

SEVENTY-SECOND DAY

(Saturday, May 29, 1965)

The Senate met at 2:00 o'clock p.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Morning Call Dispensed With

On motion of Senator Hazlewood and by unanimous consent the Morning Call was dispensed with.

Reports of Standing Committees

Senator Herring by unanimous consent submitted the following report:

Austin, Texas
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred H. B. No. 91, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

HERRING, Chairman.

C. S. H. B. No. 91 was read the first time.

Senator Ratliff by unanimous consent submitted the following report:

Austin, Texas,
May 28, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns to which was referred H. B. No. 1186, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Motion to Not Print House Bill 91

Senator Hazlewood asked unanimous consent that H. B. No. 91 be not printed.

There was objection.

**Conference Committee on
House Bill 379**

Senator Herring called from the President's Table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H. B. No. 379 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following as a Conference Committee on the part of the Senate on H. B. No. 379: Senators Herring, Blanchard, Creighton, Snelson and Hazlewood.

House Bill 1186 Ordered Not Printed

On motion of Senator Snelson and by unanimous consent H. B. No. 1186 was ordered not printed.

**Conference Committee Report on
House Bill 97**

Senator Patman submitted the following Conference Committee Report on H. B. No. 97:

Austin, Texas,
May 28, 1965

Hon. Preston Smith, President of the Senate.

Hon. Ben Barnes, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the dif-

ferences between the Senate and the House of Representatives on H. B. No. 97, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

PATMAN
HERRING
KENNARD

On the part of the Senate

MOYER
PARKER
KLÄGER
TRAEGER
CORY

On the part of the House

H. B. No. 97,

**A BILL
To Be Entitled**

"An Act creating the Commission on Organization of the Executive Branch of the Government and providing for its powers, duties and procedures; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. It is hereby declared to be the policy of the Legislature of the State of Texas to promote economy, efficiently and improved services in the services in the transaction of the public business in the departments, bureaus, agencies, boards, commissions and other instrumentalities of the Executive Department of the Government by:

(1) Limiting expenditures to the lowest amount consistent with the efficient performance of essential services, activities and functions;

(2) Eliminating duplication and overlapping of services, activities and functions;

(3) Consolidating services, activities and functions of a similar nature, and surveying the interrelationships of State, county, and municipal governments;

(4) Abolishing services, activities and functions not necessary to the efficient conduct of government;

(5) Insuring business-like purchasing practices, fiscal policies, fee systems, accounting procedures and spending methods; and

(6) Defining and delineating executive functions, services and activities.

Section 2. For the purpose of carrying out the policy set forth in Section 1 hereof, there is hereby established a commission to be known as the Commission on Organization of the Executive Branch of the Government (hereinafter referred to as the "Commission").

Section 3. The Commission shall be composed of nine (9) members as follows:

(1) Three (3) appointed by the Governor from private life;

(2) Three (3) appointed by the Lieutenant Governor from the Senate; and

(3) Three (3) appointed by the Speaker of the House of Representatives from the House of Representatives.

The terms of the members shall be for a period of two years. Members may be appointed to succeed themselves for subsequent terms. Any vacancy on the Commission shall not affect its powers and said vacancy shall be filled as quickly as possible in the same manner in which the original appointment was made.

Section 4. The Lieutenant-Governor shall appoint a Chairman and the Speaker of the House shall appoint a Vice-Chairman of said Commission from among the respective members of the Senate and House. The Commission shall select a Secretary from among its members. Five (5) members of the Commission shall constitute a quorum, provided that there is one (1) member appointed by the Lieutenant Governor and one (1) by the Speaker of the House present. Such quorum shall be required to make recommendations to the Legislature as provided herein.

Section 5. Members of the Texas Legislature who are members of the Commission shall serve without compensation in addition to that received for their services as provided by law; but they shall be reimbursed for travel, subsistence and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

The members of the Commission from private life shall each receive Twenty-five Dollars (\$25.00) per diem when engaged in the performance of their duties as members of the Commission, plus reimbursement for travel, subsistence and other necessary expenses incurred by them in

the performance of their duties as members of the Commission.

Section 6. The Commission shall have power to appoint and fix the compensation of such staff as it deems advisable, and such staff members shall be reimbursed for travel, subsistences and other necessary expenses incurred by them in the performance of their duties as assigned by the Commission.

Section 7. The Legislature shall appropriate money necessary to carry out the provisions of this Act in the general appropriation acts for the bienniums ending August 31, 1967, and August 31, 1969, or in special appropriation acts for that purpose. Private funds may be used to defray the cost of conducting any of the affairs of the Commission.

Section 8. The Commission shall make an interim report on its progress, together with any specific recommendations it may deem desirable, to the Regular Session of the 60th Legislature, not later than ten (10) days after its convening, and shall make its final report to the 61st Legislature, not later than ten (10) days after its convening. In no event shall the life of this Commission extend beyond the fiscal year ending August 31, 1971.

Section 9. With the exception of the individual institutions of higher learning, the Commission is authorized to study and investigate the present organization and methods of operation of all departments, bureaus, agencies, boards, commissions and other instrumentalities of the Executive Department of the Government and the overall fiscal policies and procedures of the State and its agencies, to determine what changes therein are necessary to accomplish the purposes set forth in Section 1 of this Act.

Section 10. The Commission or any committee thereof may, for the purposes of carrying out the provisions of this Act, hold open hearings and sit and act at such times and places and take such testimony as the Commission or such committee thereof may deem advisable. Any member of the Commission may administer oaths or affirmation to witnesses appearing before the Commission or before such committee thereof.

The Commission or any committee thereof is authorized to secure direct-

ly from any department, bureau, agency, board, commission or other instrumentality of the Executive Department of the Government any and all information, suggestions, estimates and statistics deemed necessary for the purpose of this Act; and each such department, bureau, agency, board, commission or other instrumentality of the Executive Department of the Government is authorized and directed to furnish any and all such information, suggestions, estimates and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman.

Section 11. The Texas Legislative Council, the Legislative Budget Board and the Legislative Audit Committee shall, through their respective administrative officers, furnish information, suggestions, estimates and statistics relating to departments, bureaus, agencies, boards, commissions and other instrumentalities of the Executive Department of the Government as requested by the Chairman or Vice Chairman of the Commission. Upon request of the Chairman of the Commission, the Legislative service agencies just named may make available a member or members of their respective staffs to assist the Commission in its work. The Commission is further authorized to seek and accept such information and assistance as they may, in their discretion, deem necessary for the accomplishment of the objectives of this Act.

Section 12. There is hereby appropriated to the Commission on Organization of the Executive Branch of the Government the sum of \$25,000.00 out of the General Revenue Fund of the State of Texas for the purpose of carrying out the provisions of this Act.

Section 13. The fact that there is an urgent need for a comprehensive and careful study of the present organization and methods of operation of the various executive agencies and departments of government to the end that ways may be found to promote economy, efficiency and improved services in the transaction of the public business, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act shall take

effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read.

Question—Shall the Conference Committee Report on H. B. No. 97 be adopted?

Bills and Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

H. C. R. No. 115, Granting Edwin Donald Calvit permission to sue the State of Texas.

H. C. R. No. 119, Granting Victor Guggenheim, Jr. permission to sue the State of Texas.

H. C. R. No. 120, Granting W. H. Hodges, et ux. permission to sue the State.

H. C. R. No. 133, Granting James Albert Peikert et al. permission to sue the State of Texas.

H. C. R. No. 153, Providing Legislative Intent regarding Governor's appointment of members to the Texas Water Rights Commission from Eastern, Southern and Western areas of the State.

H. C. R. No. 163, Suspending the Joint Rules to consider H. B. No. 50 at any time.

H. B. No. 117, A bill to be entitled "An Act amending House Bill No. 5, Acts of the 57th Legislature, First Called Session, 1961, Page 49, Chapter 21, codified as Article 3272a, Vernon's Civil Statutes, to provide for the making of reports by persons holding abandoned personal property, for the transfer of such property to the custody of the State Treasurer, defining terms, providing for notices, administrative procedures, rules and regulations, examination of books and records, court enforcement, processing of reports now on file, reciprocity, penalties, determination and payment of subsequent claims, Expense and Reimbursement Funds, and other related procedural and enforcement provisions; etc., and declaring an emergency."

H. B. No. 125, A bill to be entitled

"An Act to amend Article 1937, Revised Civil Statutes of Texas, 1925, relating to bonds to be given by county clerks; providing for bonds for deputy county clerks in said counties; providing for payment of premiums on said bonds; providing for an errors and omissions insurance policy covering county clerks; providing the payment of premiums on said insurance; containing a repealing clause; a severance clause; and declaring an emergency."

H. B. No. 126, A bill to be entitled "An Act relating to the crime of shoplifting; amending Chapter 34, Acts of the 56th Legislature, Regular Session, 1959; and declaring an emergency."

H. B. No. 147, A bill to be entitled "An Act repealing Articles 6717 through 6728, 6731 through 6735, 6749, 6755, 6756, 6758, 6765, 6767, and 6768, Revised Civil Statutes of Texas, 1925; Articles 828, 829, 830, and 835, Penal Code of Texas, 1925; Chapter 4, Acts of the 41st Legislature, 3rd Called Session, 1929; Chapter 462, Acts of the 47th Legislature, Regular Session, 1941; and Chapter 201, Acts of the 49th Legislature, 1945; relating to road work; and declaring an emergency."

H. B. No. 341, A bill to be entitled "An Act relating to certain methods of taking fish from the Sulphur River in certain counties; and declaring an emergency."

H. B. No. 366, A bill to be entitled "An Act repealing Article 532, Penal Code of Texas, 1925, which makes it an offense to exhibit women dancers who travel from place to place; and declaring an emergency."

H. B. No. 625, A bill to be entitled "An Act providing for fees to be received by Sheriffs and Constables in counties containing a population in excess of one million, two hundred thousand (1,200,000) inhabitants, according to the last preceding Federal Census; enacting other provisions relating to the subject; and declaring an emergency."

H. B. No. 398, A bill to be entitled "An Act amending Article 2226, Revised Civil Statutes of Texas, 1925, as amended, to allow recovery of attorney's fees in trespass to try title

actions, actions for conversion of personal property, and actions to establish title to real or personal property; and declaring an emergency."

H. B. No. 419, A bill to be entitled "An Act to increase per diem paid members attending regular and called meetings of the Veterans Affairs Commission; amending Subsection (b), Section 3, Article 5787, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

H. B. No. 663, A bill to be entitled "An Act relating to the salary of the district attorney of the 72nd Judicial District; amending Sections 1 and 2, Chapter 358, Acts of the 52nd Legislature, 1951; and declaring an emergency."

H. B. No. 588, A bill to be entitled "An Act amending Chapter 6, Acts of the 57th Legislature, 3rd Called Session, 1962, as amended, by adding a Section 1a changing the name of the Court of Domestic Relations in and for Tarrant County, Texas, and by amending Section 11 of the Act to provide for the appointment of court reporters by the juvenile board; and declaring an emergency."

H. B. No. 607, A bill to be entitled "An Act relating to the wildlife resources of Panola and Rusk Counties; amending Sections 1 and 15, Chapter 125, Acts of the 52nd Legislature, 1951, as amended; and declaring an emergency."

H. B. No. 689, A bill to be entitled "An Act relating to the holding of elections for county school trustees in certain counties; and declaring an emergency."

H. B. No. 750, A bill to be entitled "An Act constituting a local law for the maintenance of public roads and highways in Victoria County by authorizing the County to issue certificates of indebtedness for the purpose of acquiring rights-of-way for designated State Highways, including Farm-to-Market Highways, or for Federal Highways, or for acquiring rights-of-way for County Roads, or for the construction, maintenance or improvement of the County Roads, in Victoria County, Texas; etc., and declaring an emergency."

H. B. No. 1051, A bill to be entitled

"An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Turkey Creek Improvement District'; declaring District a governmental agency, body politic and corporate; defining the boundaries; etc., and declaring an emergency."

H. B. No. 1066, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Treeline Improvement District'; declaring District a governmental agency, body politic and corporate; defining the boundaries; etc., and declaring an emergency."

H. B. No. 1087, A bill to be entitled "An Act relating to salary of certain county and district officials in certain counties; amending Chapter 427, Acts of the 54th Legislature, 1955; and declaring an emergency."

H. B. No. 760, A bill to be entitled "An Act relating to the jurisdiction of the County Court-at-Law of Smith County, etc., and declaring an emergency."

H. B. No. 819, A bill to be entitled "An Act repealing Chapter 406, Acts of the 58th Legislature, 1963, regulating the taking of white-tailed deer in Austin County; and declaring an emergency."

H. B. No. 847, A bill to be entitled "An Act authorizing commissioners courts to acquire land for dumping and garbage disposal use; repealing Chapter 464, Acts of the 54th Legislature, 1955; and declaring an emergency."

H. B. No. 988, A bill to be entitled "An Act relating to the powers and functions of the Dalby Springs Conservation District; amending Sections 2 and 5, Chapter 140, Acts of the 58th Legislature, 1963; and declaring an emergency."

H. B. No. 1004, A bill to be entitled "An Act relating to the coordination of state-federal relations; and declaring an emergency."

H. B. No. 1011, A bill to be entitled "An Act relating to leasing mineral interests when the whereabouts of one or more of the owners is unknown; and declaring an emergency."

H. B. No. 1029, A bill to be entitled "An Act relating to the salary of the Criminal District Attorney of Brazoria County; amending Section 4, Chapter 118, Acts of the 53rd Legislature, Regular Session, 1953; and declaring an emergency."

H. B. No. 1057, A bill to be entitled "An Act relating to fire protection in unincorporated areas of counties; amending Section 1, Chapter 235, Acts of 52nd Legislature, 1951; and declaring an emergency."

H. B. No. 1100, A bill to be entitled "An Act relating to the annexation of territory by junior college districts in certain counties, etc., and declaring an emergency."

H. B. No. 1120, A bill to be entitled "An Act relating to additional counties that are to use jury wheels, etc., and declaring an emergency."

H. B. No. 1126, A bill to be entitled "An Act creating the 'Braeburn West Utility District,' etc., and declaring an emergency."

H. B. No. 1137, A bill to be entitled "An Act pertaining to the 'Pond Creek Watershed Authority,' etc., and declaring an emergency."

H. B. No. 1143, A bill to be entitled "An Act relating to the election of trustees of independent school districts in certain counties, etc., and declaring an emergency."

H. B. No. 1148, A bill to be entitled "An Act relating to the care, treatment and custody of mentally ill and mentally retarded persons infected with tuberculosis; and declaring an emergency."

H. B. No. 1152, A bill to be entitled "An Act relating to the compensation of the official shorthand reporter for the 38th Judicial District, etc., and declaring an emergency."

H. B. No. 1155, A bill to be entitled "An Act relating to terms of office of the Board of Directors of Palo Pinto County Hospital District, etc., and declaring an emergency."

H. B. No. 1172, A bill to be entitled "An Act authorizing any water power control district to contract for disposal of salt water pollution control, etc., and declaring an emergency."

H. B. No. 1177, A bill to be entitled

"An Act relating to the election of trustees of independent school districts in certain counties, etc., and declaring an emergency."

H. B. No. 37, A bill to be entitled "An Act relating to methods and procedures for planning, design and construction of State buildings, defining certain terms, providing for applicability of this Act, vesting certain powers and duties in the State Building Commission, repealing certain laws, providing a severability clause, providing for an effective date; and declaring an emergency."

Signed, subject to the provisions of Section 49A of Article III of the Constitution of the State of Texas.

H. B. No. 151, A bill to be entitled "An Act prohibiting purchases of alcoholic beverages for persons under 21 years of age; amending Subsection (14), Section 17, Article I, Texas Liquor Control Act, as amended; and declaring an emergency."

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 109, Granting permission to Eugene Marsh, et al., to sue the state, etc.

S. C. R. No. 126, In memory of Randol Mason Day.

S. C. R. No. 127, In memory of Judge Sam Butler Brazier, etc.

S. C. R. No. 129, Providing that State of Texas participate in National Conference of Legislative Leaders and authorizing payment of Annual Dues out of Contingent Expenses.

The House refused to concur in Senate amendments to House Bill No. 944 and has requested the appointment of a Conference Committee to consider the differences between the two Houses:

Wayne, Johnson of Harris, Hollowell, Clayton, Slack.

S. C. R. No. 125, Granting Ella

Quante Hancock permission to sue the State of Texas.

S. B. No. 149, A bill to be entitled "An Act to provide financial support from State Funds on a limited basis for the development of instructional television services toward the enhancement of classroom instruction in the public elementary and secondary school system of Texas; providing the prescribing for the reimbursement of a portion of the cost thereof by and pursuant to regulations of the Central Education Agency from the Foundation School Fund; making the Act effective for the school year beginning 1965-1966 and thereafter; and declaring an emergency."

(With amendments.)

The House has adopted the Conference Committee Report on S. B. No. 405 by a non-record vote.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk House of Representatives

Gregg Strong Designated as
Honorary Page

On motion of Senator Dies and by unanimous consent Gregg Strong, son of Senator and Mrs. Jack Strong, was designated as an Honorary Page of the Senate for today.

Conference Committee on
House Bill 944

Senator Word called from the President's Table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H. B. No. 944 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following as a Conference Committee on the part of the Senate on H. B. No. 944: Senators Word, Aikin, Hardeman, Dies and Moore.

Mark Creighton Designated as
Honorary Page

On motion of Senator Dies and by unanimous consent Mark Creighton, son of Senator and Mrs. Tom Creighton, was designated as an Honorary Page of the Senate for today.

Conference Committee Report on House Bill 97 Postponed

Senator Word moved that further consideration of the Conference Committee Report on H. B. No. 97 be postponed until 11:00 o'clock a.m. on Monday, May 31, 1965.

Senator Patman moved as a substitute motion that further consideration of the Conference Committee Report on H. B. No. 97 be postponed until 4:00 o'clock p.m. today.

Question on the substitute motion by Senator Patman, Yeas and Nays were demanded.

The motion to postpone further consideration of the Conference Committee Report on H. B. No. 97 until 4:00 o'clock p.m. today prevailed by the following vote:

Yeas—17

Bates	Patman
Cole	Richter
Dies	Rogers
Hall	Schwartz
Harrington	Snelson
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	

Nays—13

Aikin	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Colson	Ratliff
Creighton	Reagan
Hardeman	Word
Hightower	

Absent

Crump

Senate Bill 440 Laid on Table

Senator Strong moved that S. B. No. 440 be Laid on the Table.

Senator Blanchard moved as a substitute motion that S. B. No. 440 be Laid on the Table Subject to Call.

Question first on the substitute motion to Lay on the Table Subject to Call, Yeas and Nays were demanded.

The substitute motion to Lay on the Table Subject to Call was lost by the following vote:

Yeas—10

Blanchard	Calhoun
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Creighton	Kennard
Hardeman	Moore
Hazlewood	Parkhouse
Herring	Ratliff

Nays—20

Aikin	Patman
Bates	Reagan
Cole	Richter
Colson	Rogers
Dies	Schwartz
Hall	Snelson
Harrington	Spears
Hightower	Strong
Kazen	Watson
Krueger	Word

Absent

Crump

Question next on the motion to Lay S. B. No. 440 on the Table, Yeas and Nays were demanded.

The motion to Lay S. B. No. 440 on the Table prevailed by the following vote:

Yeas—22

Aikin	Krueger
Bates	Patman
Blanchard	Reagan
Calhoun	Richter
Cole	Rogers
Colson	Schwartz
Dies	Snelson
Hall	Spears
Harrington	Strong
Hightower	Watson
Kazen	Word

Nays—8

Creighton	Kennard
Hardeman	Moore
Hazlewood	Parkhouse
Herring	Ratliff

Absent

Crump

Message From the House

Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 559, A bill to be entitled "An Act relating to the organization and area of the Upper Red River Flood Control and Irrigation District;

amending Sections 1, 2 and 3, Chapter 454, Acts of the 45th Legislature, Regular Session, 1937; and declaring an emergency."

(With amendment.)

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk House of Representatives

(Senator Aikin in the Chair.)

Remarks of Senator Schwartz
Ordered Printed in Journal

On motion of Senator Spears and by unanimous consent the remarks of Senator Schwartz on Personal Privilege were ordered printed in the Senate Journal.

Senate Bill 559 With House
Amendments

Senator Rogers called S. B. No. 559 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Committee Amendment No. 1

Strike all below the enacting clause and insert the following:

Section 1. Sections 1, 2, and 3, Chapter 454, Acts of the 45th Legislature, Regular Session, 1937 (Article 8280-122, Vernon's Texas Civil Statutes), are amended to read as follows:

"Section 1. There is hereby created within the State of Texas, in addition to the districts into which the State has heretofore been divided, a conservation and reclamation district to be known as the 'Upper Red River Flood Control and Irrigation District' (hereinafter called the District) and consisting of that part of the State of Texas which lies west of the 100th Meridian and which is included in the Red River watershed. Such District shall be and is hereby declared to be a governmental agency and body politic and corporate, with the powers, rights, privileges, and functions hereafter specified, and the creation of such District is hereby declared to be essential to the accomplishment of the purposes of Section 59 of Article 16 of the Constitution of the State of Texas, including (to the extent hereafter authorized) the control, storing, preservation, and distri-

bution of waters of the Red River and its tributaries lying west of the 100th Meridian and which are included in the Red River watershed, for the purpose of protecting the lives and property of the inhabitants of the territory affected by the Red River, its tributaries, and the streams to which it is a tributary, lying west of the 100th Meridian and within the Red River watershed, and in addition the reclamation, conservation, draining, and irrigation of lands within the District. Nothing in this Act or in any other Act or law contained, however, shall be construed as authorizing the District to levy or collect taxes or assessments, or in any way to pledge the credit of the State.

Sec. 2. In accordance with the limitations and provisions of this Act, the District shall have and is hereby authorized to exercise the following powers, rights, privileges, and functions:

(a) to control, store, and preserve, within the boundaries of the District, the waters of the Red River and its tributaries lying west of the 100th Meridian and within the Red River watershed, for the reclamation and irrigation of the lands of the District, and to use, distribute and sell the same, within the boundaries of the District for any such purpose;

(b) to prevent or aid in the prevention of damage to person or property from the waters of the Red River and its tributaries lying west of the 100th Meridian and within the Red River watershed;

(c) to forest and reforest, and to aid in the foresting and reforesting of the watershed area of the Red River and its tributaries lying west of the 100th Meridian and within the Red River watershed, and to prevent and to aid in the prevention of soil erosion and floods within said area;

(d) to acquire by purchase, lease, gift, or any other manner (otherwise than by condemnation) and to maintain, use, and operate any and all property of any kind, real, personal, or mixed, or any interest therein, within the boundaries of the District, necessary to the exercise of the powers, rights, privileges, and functions conferred upon it by this Act;

(e) to acquire by condemnation any and all property of any kind, real, personal, or mixed, or any interest therein, within the boundaries of the District necessary to the exercise of the powers, rights, privileges, and

functions conferred upon it by this Act, in the manner provided by General Law with respect to condemnation, or, at option of the District, in the manner provided by the Statutes relative to condemnation by Districts organized under the General Law to Section 59 of Article 16 of the Constitution of the State of Texas;

(f) subject to the provisions of this Act from time to time sell or otherwise dispose of any property of any kind, real, personal, or mixed, or any interest therein, which shall not be necessary to the carrying on of the business of the District;

(g) to overflow and inundate any public lands and public property and to require the relocation of roads and highways in the manner and to the extent permitted to District organized under General Law pursuant to Section 59 of Article 16 of the Constitution of the State of Texas;

(h) to construct, extend, improve, maintain, and reconstruct, to cause to be constructed, extended, improved, maintained, and reconstructed, and to use and operate, any and all facilities of any kind necessary to the exercise of such powers, rights, privileges and functions;

(i) to sue and be sued in its corporate name;

(j) to adopt, use, and alter a corporate seal;

(k) to make bylaws for the management and regulation of its affairs;

(l) to appoint officers, agents and employees, to prescribe their duties, and to fix their compensation;

(m) to make contracts and to execute instruments necessary to the exercise of the powers, rights, privileges, and functions conferred upon it by this Act;

(n) to apply for and accept grants from the United States of America, or from any corporation or agency created or designated by the United States of America, and to ratify and accept applications heretofore made by voluntary associations to such agencies for grants to construct, maintain or operate any project or projects which hereafter may be undertaken or contemplated by said District;

(o) to do any and all other acts or things necessary to the exercising of the powers, rights, privileges, or functions conferred upon it by this Act or any other Act or law.

"Sec. 3. The powers, rights, privileges, and functions of the District shall be vested in and exercised by a Board of nine Directors (hereafter called the Board), all of whom shall be residents of and freehold property taxpayers in the State of Texas. The members of the Board shall come from the counties which lie west of the 100th Meridian and which are included within the Red River watershed. Not more than two Directors may be residents of any one county. Each of the Directors shall be appointed by the Governor, by and with the consent of the Senate, and shall hold office for a term of six years. Each Director shall qualify by taking the official oath of office prescribed by law."

Sec. 2. The amendment to Section 3, Chapter 454, Acts of the 45th Legislature, Regular Session, 1937, contained in Section 1 of this Act, does not affect the terms of office of Directors of the Upper Red River Flood Control and Irrigation District appointed before the effective date of this Act. The initial terms of office of the two additional Directors authorized by the amendment are such that, at the expiration of their terms, the terms of three Directors expire every two years.

Sec. 3. The importance of this legislation and the crowded condition of the calendar in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Amendment to Committee Amendment No. 1

Amend Senate Bill 559 by adding a new Section at the end of Section 2 to be numbered Section 3 and renumbering the present Section 3 to be Section 4:

"Section 3. None of the provisions of this Act shall apply to Collingsworth County."

The House Amendments were read.

Senator Rogers moved that the Senate concur in the House amendments.

The motion prevailed.

Conference Committee Report on House Bill 944

Senator Word submitted the following Conference Committee Report on H. B. No. 944:

Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Hon. Ben Barnes, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the House and Senate on House Bill 944 have met and adjusted our differences and beg leave to recommend that House Bill No. 944 be passed in the form attached hereto.

Respectfully submitted,

WORD
DIES
AIKIN
HARDEMAN
MOORE

On the part of the Senate

WAYNE
HOLLOWELL
SLACK
CLAYTON
JOHNSON

On the part of the House

H. B. No. 944,

A BILL

To Be Entitled

"An Act relating to the acquisition and use of certain aircraft; making other provisions relating to state-owned aircraft; making an appropriation; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. here is hereby appropriated from the State Treasury from funds not otherwise appropriated the sum of Two Hundred and Seventy-five Thousand Dollars (\$275,000) to be used for the acquisition of a twin engine executive type airplane and an additional One Hundred and Fifty Thousand Dollars (\$15,000) for the operation of the airplane to be used by the Governor or as he directs.

Sec. 2. No state-owned aircraft, nor any State funds, shall be used solely for political purposes; providing that if this provision is vio-

lated such person so violating this Act shall be civilly liable to the State of Texas for the cost thereof.

Sec. 3. The importance of this legislation and the crowded condition of the Calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was adopted.

Senate Bill 149 With House Amendment

Senator Richter called S. B. No. 149 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

Amendment No. 1

Amend S. B. 149, Section 3, by adding a new sentence at the end of that Section to read "Providing however that the cost to the Foundation School Program shall not exceed \$500,000.00 (Five Hundred Thousand Dollars) for the next biennium."

The House Amendment was read.

Senator Richter moved that the Senate concur in the House amendment.

The motion prevailed.

Senate Bill 532 With House Amendments

Senator Schwartz called S. B. No. 532 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Committee Amendment No. 1

Amend S. B. 532 by striking all below the Enacting Clause and inserting in lieu thereof the following:

Section 1. The County Judge of any county having a population of more

than 140,000 and less than 145,000, according to the last preceding Federal Census, may appoint a County Industrial Commission to consist of at least seven residents of the County who have exhibited interest in the industrial development of the County to serve for a term of two (2) years. The County is hereby authorized to pay the necessary expenses of such Commission. Such Commission shall investigate, study and undertake ways and means of promoting and encouraging the prosperous development of business, industry and commerce within said County. Such Commission shall promote and encourage the location and development of new businesses and industries in such County as well as the maintenance and expansion of existing businesses. Such Commission shall cooperate with, and utilize the services of, the Texas Industrial Commission. The data obtained shall be available to the Commissioners' Court.

Section 2. The fact that County Industrial Commissions are not presently statutory bodies, and are thereby restricted in fully carrying out their purposes, creates an emergency and an imperative public necessity that the Constitutional rule requiring bills to be read on three several days in each House shall be suspended and said rule is hereby suspended; and this Act shall take effect and be in force from and after its passage and it is so enacted.

Committee Amendment No. 2

Amend S. B. 532 by striking all above the Enacting Clause and inserting in lieu thereof the following:

"An Act authorizing the County Judge of certain counties to appoint a County Industrial Commission; providing for the study, promotion and development of business, industry, and commerce in counties; and recommendation by such Commission, fixing the tenure of office of its members, authorizing payment of the expenses of such Commission; and declaring an emergency."

The House Amendments were read.

Senator Schwartz moved that the Senate concur in the House amendments.

The motion prevailed.

Senate Bill 553 with House Amendment

Senator Watson called S. B. No. 553 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

Committee Amendment No. 1

Amend Senate Bill No. 553 by striking all below the enacting clause and substituting the following:

Section 1. Under and pursuant to the provisions of Article 16, Section 59, Constitution of Texas, a conservation and reclamation district is hereby created and established in Bell County, Texas, to be known as Comanche Hills Utility District, hereinafter called the "District," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the District is hereby declared to be essential to the accomplishment of the purposes of Article 16, Section 59, Constitution of Texas.

Sec. 2. The District shall comprise all of the territory contained within the following described area:

Beginning at the southeasterly corner of the Albert Gallatin Survey Abstract No. 363;

Thence along its southerly boundary line, N. 71° 00' W. 3300 feet;

Thence N. 19° 00' E. 2640 feet to a point on a southerly boundary line of Bell County W. C. & I. D. No. 4;

Thence along a southerly boundary line of said Bell County W. C. & I. D. No. 4, S. 71° 00' E. 3300 feet to a southeasterly corner of said Bell County W. C. & I. D. No. 4, being a point on the westerly boundary line of the Isaac T. Bean Survey, Abstract No. 115;

Thence along an easterly boundary line of said Bell County W. C. & I. D. No. 4, and the westerly boundary line of said Bean Survey, N. 19° 00' E. 1534 feet to an interior corner of said Bell County W. C. & I. D. No. 4, and the northwesterly corner of said Bean Survey;

Thence along the northerly boundary line of said Bean Survey, S. 70° 04' 50" E., at 1757 feet the most easterly southeast corner of said Bell

County W. C. & I. D. No. 4, in all 1859.2 feet;

Thence S. 18° 43' 10" W. 535.4 feet to a post;

Thence S. 71° 58' E. 846.2 feet to a post in the easterly boundary line of said Bean Survey and in the westerly boundary line of the H. B. Littlefield Survey Abstract No. 511;

Thence along the easterly boundary line of said Bean Survey, the easterly boundary line of the Elizabeth Dawson Survey, Abstract No. 258, and the westerly boundary line of said Littlefield Survey, by the following three courses:

1. S. 19° 00' W. 2392.5 feet to a post;

2. S. 17° 19' W. 41.6 feet to a post;

3. S. 18° 09' 50" W. 2333.3 feet to a post at the southwesterly corner of said Littlefield Survey;

Thence along the southerly boundary line of said Littlefield Survey S. 70° 32' E. 894.1 feet to a post;

Thence S. 2° 36' 50" W. 247.4 feet to a post;

Thence S. 11° 07' 10" W. 434.5 feet to a post;

Thence N. 86° 52' 20" W. 1105.9 feet to a post;

Thence N. 72° 49' 40" W. 132.1 feet to a post;

Thence N. 20° 52' E. 995.7 feet to a post in the southerly boundary line of said Dawson Survey;

Thence along a southerly boundary line of said Dawson Survey N. 69° 51' 40" W. 1336.6 feet to a post at the northeasterly corner of the W. E. Hall Survey, Abstract No. 1085;

Thence along the easterly boundary line of said Hall Survey S. 18° 12' 40" W. 833.1 feet to a post at its southeasterly corner;

Thence along the southerly boundary line of said Hall Survey N. 71° 09' 40" W. 743.6 feet to a post;

Thence N. 18° 41' 40" E. 2584.0 feet to a post on the southerly boundary line of said Bean Survey;

Thence along the southerly boundary line of said Bean Survey, and the northerly boundary line of said Dawson Survey, N. 69° 41' 20" W. 519.7 feet to a live oak tree at the southwesterly corner of said Bean Survey, being a point on the easterly boundary line of said Gallatin Survey;

Thence along the easterly boundary line of said Gallatin Survey S. 19°

00' W. 656.6 feet to its southeasterly corner, the point of beginning, containing 533.5 acres, more or less, in Bell County, Texas.

Sec. 3. It is determined and found that the boundaries and field notes of the District form a closure, and if any mistake is made in copying the field notes in the legislative process, or otherwise a mistake is made in the field notes, it shall in no way or manner affect the organization, existence and validity of the District, or the right of the District to issue any type or kind of bonds or refunding bonds, or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or the legality or operation of the District or its governing body, which shall be a Board of Directors as hereinafter provided.

Sec. 4. It is determined and found that all of the land and other property included within the area and boundaries of the District will be benefitted by the works and projects which are to be accomplished by the District pursuant to the powers conferred by the provisions of Article 16, Section 59, Constitution of Texas, and that said District was and is created to serve a public use and benefit.

Sec. 5. The District shall have and exercise, and is hereby vested with, all of the rights, powers, privileges, authority and duties conferred and imposed by the general laws of this State now in force or hereafter enacted, applicable to water control and improvement districts created under authority of Article 16, Section 59, of the Constitution; but to the extent that the provisions of any such general laws may be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws are hereby adopted and incorporated by reference with the same effect as if incorporated in full in this Act.

Sec. 6. All powers of the District shall be exercised by a Board of five (5) Directors. Each Director shall serve for his term of office as herein provided, and thereafter until his successor shall be elected or appointed and qualified. No person shall be appointed a Director unless such person is twenty-one (21) years of age or over and a resident of Bell County, Texas. Such Director shall be re-

quired to reside within the boundaries of the District and to own land therein. Each Director shall subscribe to the oath of office and shall give bond in the amount of Five Thousand Dollars (\$5,000) for the faithful performance of his duties, the cost of which shall be paid by the District. A majority of Directors shall constitute a quorum. Immediately after this Act becomes effective, the following named persons, all of whom are twenty-one (21) years of age and own land within the District, shall be the Directors of the District and shall constitute the Board of Directors of the District: C. E. Aldrich, Dorothy Ann Aldrich, Barney Sissom, J. L. Deiselbrecht, and P. R. Cox. If any of the aforementioned persons shall fail or refuse to serve, die, become incapacitated or otherwise not be qualified to assume the duties of a Director of the District under this Act, the remaining Directors shall appoint a successor or successors. Succeeding Directors shall be appointed as provided for in this Act. The above named Directors shall serve until the second Tuesday in January 1967, or as herein provided. An election for Directors shall be held on the second Tuesday in January of each year beginning in 1967. Five Directors shall be elected in 1967 and the three Directors receiving the highest number of votes shall serve for two years and the two Directors receiving the lowest number of votes shall serve for one year. Two Directors shall be elected in 1968 and in each even-numbered year thereafter, and three in 1969 and in each odd-numbered year thereafter. The annual elections shall be ordered by the Board of Directors. Any vacancy occurring in the Board of Directors shall be filled for the unexpired term by a majority of the remaining Directors. The Board of Directors shall elect from its number a president, a vice-president and a secretary of the Board of Directors and of the District, and such other officers as in the judgment of the Board are necessary. The president shall be the chief executive officer of the District and the presiding officer of the Board, and shall have the same right to vote as any other Director. The vice-president shall perform all duties and exercise all power conferred by this Act or the general law upon the presi-

dent when the president is absent or fails or declines to act. The Secretary shall keep and sign the minutes of the meetings of the Board of Directors; and in his absence at any board meeting, a secretary pro tem shall be named for that meeting who may exercise all the duties and powers of the secretary for such meeting, sign the minutes thereof, and attest all orders passed or other action taken at such meeting. The secretary shall be custodian of all minutes and records of the District. The Board shall appoint all necessary engineers, attorneys, fiscal agents, auditors and other employees. The Board shall adopt a seal for the District.

Sec. 7. When any kind of bonds or refunding bonds have been approved by the Attorney General of Texas, registered by the Comptroller of Public Accounts of the State of Texas, and issued by the District, such bonds or refunding bonds shall be negotiable, legal, valid and binding obligations of the District and shall be incontestable for any cause.

Sec. 8. The power of eminent domain of the District shall be limited to Bell County, Texas. In the event that the District, in the exercise of the power of eminent domain or power of relocation, or any other power granted hereunder, makes necessary the relocation, raising, rerouting or changing the grade of, or altering the construction of, any highway, railroad, electric transmission line, telegraph or telephone properties and facilities, or pipeline, all such necessary relocation, raising, rerouting, changing of grade or alteration of construction shall be accomplished at the sole expense of the District. The term "sole expense" shall mean the actual cost of such relocation, raising, lowering, rerouting, or change in grade or alteration of construction in providing comparable replacement without enhancement of such facilities after deducting therefrom the net salvage value derived from the old facility.

Sec. 9. It is determined and found that a proper and legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published at least thirty (30) days and not more than ninety (90) days prior to the introduction of this Act in the Legislature of Texas, in a newspaper having gen-

eral circulation in Bell County, Texas; that a copy of such notice and a copy of this Act have been delivered to the Governor of Texas who has submitted such notice and Act to the Texas Water Commission, and said Texas Water Commission has filed its recommendation as to such Act with the Governor, Lieutenant Governor and Speaker of the House of Representatives of Texas within thirty (30) days from the date such notice and Act were received by the Texas Water Commission; and that all the requirements and provisions of Articles 16 Section 59(d), Constitution of Texas, have been fulfilled and accomplished as therein provided.

Sec. 10. The Board of Directors of the District shall select any bank or trust company in the State of Texas to act as depository of the proceeds of the bonds or revenues derived from the operation of the facilities or the District, and said depository shall furnish such indemnity bonds or pledge such securities or meet such other requirements as determined by the Board of Directors of the District. The District may select one or more depositories.

Sec. 11. In no manner limiting the right, power or authority of the District, as heretofore granted, but specifically granting to the District the right, power and authority to purchase and construct, or to purchase or construct, or otherwise to acquire waterworks systems, sanitary sewer systems, storm sewer system and drainage facilities, or parts of such systems or facilities, and to make any and all necessary purchases, constructions, improvements, extensions, additions and repairs thereto, and to purchase or acquire all necessary land, rights-of-way, easements, sites, equipment, buildings, plants, structures and facilities therefor and to operate and maintain same, and to sell water and other services. The District may exercise any of the rights, powers, and authorities granted in this Act within or without the boundaries of the District, but only within the boundaries of Bell County, Texas. In addition to the powers and purposes authorized by the general law pertaining to water control and improvement districts, the District may issue any kind of bonds or refunding bonds for any or all of such purposes herein provided and provide and make pay-

ment therefor and for necessary expenses in connection therewith.

Sec. 12. The provisions of Article 7880-77b, Revised Civil Statutes of Texas, as amended, or any other general law, pertaining to the calling of a hearing for the determination of the dissolution of a district where a bond election has failed shall be inapplicable to this District and this District shall continue to exist and shall have full power to function and operate regardless of the outcome of any bond election. Upon the failure of any bond election, a subsequent bond election may be called after the expiration of six months from the date of the bond election which failed.

Sec. 13. Notice of all elections may be given under the hand of either the president or the secretary of the District.

Sec. 14. The returns of all elections may be canvassed by the Board of Directors of the District at any time within seven (7) days after the holding of an election, or as soon thereafter as reasonably practicable.

Sec. 15. The accomplishment of the purposes stated in this Act being for the benefit of the people of this State and for the improvement of their properties and industries, the District in carrying out the purpose of this Act will be performing an essential public function under the Constitution, and the District shall not be required to pay any tax or assessment on the project or any part thereof or on any purchases made by the District, and the bonds issued hereunder and their transfer and the income therefrom, including the profits made on the sale thereof, shall at all times be free from taxation within this State.

Sec. 16. All bonds and refunding bonds of the District shall be and are hereby declared to be legal, eligible and authorized investments for banks, savings and loan associations, insurance companies, fiduciaries, trustees, and for the sinking funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions or the State of Texas. Such bonds and refunding bonds shall be eligible to secure the deposit of any and all public funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas; and such bonds shall be law-

ful and sufficient security for said deposits to the extent of their face value, when accompanied by all unmatured coupons appurtenant thereto.

Sec. 17. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid, and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Sec. 18. The fact that the works and projects and the conservation measures are immediately and urgently needed in the District hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted.

The House Amendment was read.

Senator Watson moved the Senate concur in the House Amendment.

The motion prevailed by the following vote:

Yeas—30

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Snelson
Hazlewood	Spears
Herring	Strong
Hightower	Watson
Kazen	Word

Absent

Crump

Senate Concurrent Resolution 130

Senator Watson offered the following resolution:

S. C. R. No. 130, Recalling H. B. No. 754 from the Governor's Office and authorizing certain corrections therein.

Whereas, House Bill No. 754 has been passed by both the Senate and the House and is now in the office of the Governor, and there are certain corrections to be made therein; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that the Governor be and is hereby respectfully requested to return House Bill No. 754 to the House for correction; and be it further

Resolved, That the action of the President of the Senate and the Speaker of the House in signing House Bill No. 754 be declared null and void, and that the two presiding officers be authorized to remove their signatures from the enrolled bill; and, be it further

Resolved, That the Engrossing and Enrolling Clerk of the House be and is hereby directed to correct the enrolled copy of House Bill No. 754 in the following manner:

Strike the words "either alone or jointly with her husband" in the quoted Article 1983, and the words "alone or jointly with her husband" in the quoted Article 1985.

**WATSON
STRONG**

The resolution was read.

On motion of Senator Watson and by unanimous consent the resolution was considered immediately and was adopted.

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 40, Providing for the Texas Legislative Council to study the methods which could be utilized to guarantee an accused the right to competent and adequate counsel, with particular emphasis placed upon a study of the Criminal Justice Act of 1964.

H. C. R. No. 168, Creating an interim committee to study the problems of reporting information relating to the accused person in custody or on bail and proceedings in our criminal and civil courts.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk House of Representatives

House Joint Resolution 13 on Second Reading

Senator Spears asked unanimous consent to suspend the regular order of business and take up H. J. R. No. 13 for consideration at this time.

There was objection.

Senator Spears then moved to suspend the regular order of business and take up H. J. R. No. 13 for consideration at this time.

The motion prevailed by the following vote:

Yeas—22

Aikin	Kennard
Bates	Krueger
Cole	Moore
Colson	Patman
Creighton	Reagan
Dies	Richter
Hall	Schwartz
Harrington	Snelson
Herring	Spears
Hightower	Strong
Kazen	Watson

Nays—8

Blanchard	Hazlewood
Calhoun	Parkhouse
Crump	Ratliff
Hardeman	Rogers

Absent

Word

The President laid before the Senate on its second reading and passage to third reading:

H. J. R. No. 13, Proposing an amendment to Sections 2 and 4 of Article VI of the Constitution of the State of Texas so as to repeal the provisions making payment of the poll tax a requirement for voting and so as to authorize the Legislature to provide for the registration of all voters.

The resolution was read the second time.

Senator Hightower offered the following amendment to the resolution:

Amend H. J. R. No. 13, Section 2, quoted section 4 by changing the word "may" where it last appears in the last sentence thereof to the word "shall."

The amendment was read and was adopted.

The resolution as amended was passed to third reading.

Record of Votes

Senators Hardeman, Calhoun, Ratliff, Crump, Hazlewood, Word and Parkhouse asked to be recorded as voting "Nay" on the passage of H. J. R. No. 13 to third reading.

Motion to Place House Joint Resolution 13 on Third Reading

Senator Spears moved that Senate Rule 32 and the Constitutional Rule requiring resolutions to be read on three several days be suspended and that H. J. R. No. 13 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

Yeas—20

Aikin	Krueger
Cole	Moore
Colson	Patman
Creighton	Reagan
Dies	Richter
Harrington	Schwartz
Herring	Snelson
Hightower	Spears
Kazen	Strong
Kennard	Watson

Nays—9

Blanchard	Parkhouse
Calhoun	Ratliff
Crump	Rogers
Hardeman	Word
Hazlewood	

Absent

Bates	Hall
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Reason for Vote

On the motion to suspend the rules on H. J. R. No. 13, I was absent because I was conferring with Representative Dudley Mann, chairman of the House Conference Committee on

S. B. No. 107, the proposed revision of the Code of Criminal Procedure.

BATES

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 572, A bill to be entitled "An Act relating to credit for license fees paid on motor vehicles which are subsequently destroyed; and declaring an emergency."

(With amendment.)

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk House of Representatives

Conference Committee Report on House Bill 379

Senator Herring submitted the following Conference Committee Report on H. B. No. 379:

Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Hon. Ben Barnes, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 379 have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

HERRING
CREIGHTON
HAZLEWOOD
SNELSON
BLANCHARD

On the part of the Senate.

MURRAY
McDONALD
FONDREN
KLAGER
CREWS

On the part of the House.

H. B. No. 379,

A BILL

To Be Entitled

An Act relating to the enforcement

of certain arbitration agreements; amending and revising Part 1, Title 10, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Part 1, Title 10, Revised Civil Statutes of Texas, 1925, is revised and amended to read as follows:

"1. Texas General Arbitration Act.

"Article 224. Validity of Arbitration Agreements. A written agreement concluded upon the advice of counsel to both parties as evidenced by counsel's signatures thereto to submit any existing controversy to arbitration or a provision in a written contract concluded upon the advice of counsel to both parties as evidenced by counsels' signatures thereto to submit to arbitration any controversy thereafter arising between the parties is valid, enforceable and irrevocable, save upon such grounds as exist at law or in equity for the revocation of any contract. Provided, however, that none of the provisions of this Act shall apply to any labor union contract or to any arbitration agreements or to any arbitrations held pursuant to agreements between any employer and any employee of that employer or between their respective representatives, to any contract of insurance or any controversy thereunder, or to any construction contract or any document relating thereto.

"Article 225. Proceedings to Compel or Stay Arbitrations.

"Section A. On application of a party showing an agreement described in Article 224 of this Act, and the opposing party's refusal to arbitrate, the court shall order the parties to proceed with arbitration; but if the opposing party denies the existence of the agreement to arbitrate, the court shall proceed summarily to the determination of the issue so raised and shall order arbitration if found for the moving party; otherwise, the application shall be denied.

"Section B. On application, the court may stay an arbitration proceeding commenced or threatened on a showing that there is no agreement to arbitrate. Such an issue when in substantial and bona fide dispute, shall be forthwith and summarily tried and the stay ordered if found

for the moving party. If found for the opposing party, the court shall order the parties to proceed to arbitration.

"Section C. If an issue referable to arbitration under the alleged agreement is involved in an action or proceeding pending in a court having jurisdiction to hear applications under Section A of Article 234 of this Act, the application shall be made therein. Otherwise and subject to Article 235 of this Act, the application may be made in any court of competent jurisdiction.

"Section D. Any action or proceeding involving an issue subject to arbitration shall be stayed if an order for arbitration or an application therefor has been made under the provisions of this Article 225, or, if the issue is severable, the stay may be with respect thereto only. When the application is made in such action or proceeding, the order for arbitration shall include such stay.

"Section E. An order for arbitration shall not be refused on the ground that the claim in issue lacks merit or bona fides or because any fault or grounds for the claim sought to be arbitrated have not been shown.

"Article 226. Appointment of Arbitrators by Court. If the arbitration agreement provides a method of appointment of arbitrators, this method shall be followed. In the absence thereof, or if the agreed method fails or for any reason cannot be followed, or when an arbitrator appointed fails or is unable to act and his successor has not been duly appointed, the court on application of a party setting forth the nature of the issues to be arbitrated and the qualifications of the proposed arbitrators shall appoint one or more qualified arbitrators. An arbitrator so appointed has all the powers of one specifically named in the agreement.

"Article 227. Majority Action by Arbitrators. The powers of the arbitrators may be exercised by a majority unless otherwise provided by the agreement or by this Act.

"Article 228. Hearings Before Arbitrators and Notices Thereof. Unless otherwise provided by the agreement:

"Section A. The arbitrators shall appoint a time and place for the hearing and cause notification to the parties to be served personally or by registered or certified mail with return receipt requested not less than five days before the hearing. Appearance

at the hearing waives such notice. The arbitrators may adjourn the hearing from time to time as necessary and, on request of a party and for good cause, or upon their own motion, may postpone the hearing to a time not later than the date fixed by the agreement for making the award unless the parties consent to a later date. The arbitrators may hear and determine the controversy upon the evidence produced notwithstanding the failure of a party duly notified to appear. The court on application may direct the arbitrators to proceed promptly with the hearing and determination of the controversy.

"Section B. The parties are entitled to be heard, to present evidence material to the controversy and to cross-examine witnesses appearing at the hearing.

"Section C. The hearing shall be conducted by all the arbitrators but a majority may determine any question and render a final award. If, during the course of the hearing, an arbitrator for any reason ceases to act, the remaining arbitrator or arbitrators appointed to act as neutrals may continue with the hearing and determination of the controversy.

"Article 229. Representation by Attorneys. A party has the right to be represented by an attorney at any proceeding or hearing under this Act. A waiver thereof prior to the proceeding or hearing is ineffective.

"Article 230. Testimony at Hearings Before Arbitrators by Witnesses; Subpoenas and Depositions Therefor.

"Section A. The arbitrators shall have the power to administer oaths required of witnesses in a civil action pending in a district court and may cause same to be administered by any one of them, to each witness testifying before them.

"Section B. The arbitrators may authorize a deposition to be taken of a witness who cannot be required by subpoena to appear before them or who is unable to attend the hearing, for use as evidence, or may authorize a deposition of an adverse witness for discovery or evidentiary purposes, such depositions to be taken in the manner provided by law for depositions in a civil action pending in a district court.

"Section C. The arbitrators may issue or cause to be issued by any one of them, subpoenas for the attendance of witnesses and for the production of books, records, docu-

ments, and other evidence; the appearance of the witness required by such a subpoena may be either at the hearing before the arbitrators or at the deposition of the witness. Subpoena so issued shall be served in the manner provided by law for the service of subpoenas issued in a civil action pending in a district court. All provisions of law requiring a witness under subpoena to appear, to produce and to testify, pursuant to a subpoena issued in such a civil action, shall apply to subpoenas issued under this Article.

"Section D. Fees for witnesses attending any hearing before arbitrators or any deposition pursuant to the provisions of this Article, shall be the same as for a witness in a civil action in a district court.

"Article 231. Awards by Arbitrators.

"Section A. The award shall be in writing and signed by the arbitrators joining in the award. The arbitrators shall deliver a copy to each party personally or by registered or certified mail, or as provided in the agreement.

"Section B. An award shall be made within the time fixed therefor by the agreement or, if not so fixed, within such time as the court orders on application of a party. The parties may extend the time in writing either before or after the expiration thereof. A party waives the objection that an award was not made within the time required unless he notifies the arbitrators of his objection prior to the delivery of the award to him.

"Article 232. Changes of Awards by Arbitrators. On application of a party or, if an application to the court is pending under Articles 236, 237 and 238, on submission to the arbitrators by the court under such conditions as the court may order, the arbitrators may modify or correct the award upon the grounds stated in Section A of Article 238, or for the purpose of clarifying the award. The application shall be made within twenty days after delivery of the award to the applicant. Written notice thereof shall be given forthwith to the opposing party, stating that he must serve his objections thereto, if any, within ten days from the notice. The award so modified or corrected is subject to the provisions of Articles 236, 237 and 238.

"Article 233. Fees and expenses of Arbitration as Awarded by Arbitra-

tors. Unless otherwise provided in the agreement to arbitrate, the arbitrators' expenses and fees, together with other expenses incurred in the conduct of the arbitration, shall be paid as provided in the award. Attorneys fees shall be awarded by the arbitrators as additional sums required to be paid under the award only if provided for in the agreement to arbitrate or provided by law as to any recovery in the civil action in the district court on such a cause of action on which the award in whole or in part is based.

"Article 234. Courts with Jurisdiction in Arbitration Proceedings.

"Section A. The term 'court' as used in this Act shall mean and include any court of this State of competent jurisdiction as to the parties, the subject matter, and the amount in controversy. Such a court shall have jurisdiction to hear and determine applications as provided in Article 235.

"Section B. The making of an agreement described in Article 224 and to which that Article is applicable (but this expressly shall not be the effect of the making of an agreement to which that Article is made inapplicable by the last sentence thereof), which provides for or authorizes an arbitration in this State, confers jurisdiction on the court to enforce the agreement under this Act and to enter judgment on an award thereunder.

"Article 235. Applications to Courts and the Effect Thereof; Court Proceedings on Applications to Courts; Venue Thereof; stay of proceedings in Another Court Pursuant to a Later Application; What the Court May Require that an Application Contain; When Applications May Be Filed in Advance of or Pending or at or After the Conclusion of Arbitration Proceedings; Acquisition of Jurisdiction over Adverse Parties by Service of Process or In Rem by Ancillary Proceedings; Court Relief in Aid of Pending or Prospective Arbitration Proceedings or the Enforcement of Court Orders or Decrees or Satisfaction of Court Judgments; Court Hearings on Applications.

"Section A. The jurisdiction of a court may be invoked by the filing with the clerk of that court of an application for the entry by the court of a judgment or decree or order provided for by the terms of this Act. Upon the filing of the initial appli-

cation and the payment to the clerk of the fees of court required to be paid on the filing of a civil action in the court, the clerk shall docket the proceedings as a civil action pending in that court.

"Section B. The filing of the initial application shall be with the clerk of the court of that county in Texas in which (if it does so provide) the arbitration agreement shall provide that the hearing before the arbitrators shall be held; or if the hearing has been held, in the county in which it was held. Otherwise, the initial application shall be filed in the county in which the adverse party resides (or one of them if there are two or more adverse parties) or has a place of business; or if no adverse party has a residence or place of business in this State, in any county. The initial application filed with the clerk of a court having jurisdiction but in a county other than as provided for in this Section, shall be transferred to a court of the county provided for in this Section by an order comparable to an order sustaining a plea of privilege to be sued in a civil action in a district court of a county other than the county in which an action is filed; provided that such order of transfer shall be entered only if applied for by a party adverse to the applicant who files the initial application, within twenty days of the service of process on such adverse party and in advance of any other appearance in the court of that adverse party other than one challenging the jurisdiction of the court.

"Section C. An initial application having been so filed, the court having jurisdiction thus invoked, may by order or orders stay proceedings pursuant to any application later filed seeking to invoke the jurisdiction of any other court or the entry of a judgment or decree or order provided for by the terms of this Act; or may stay any civil action or other proceeding later instituted; provided, however, that any such stay of proceedings in any civil action or other proceeding or pursuant to an application later filed in any other court shall be limited to and affect only an issue subject to arbitration under the arbitration agreement pursuant to the terms of which the initial application was so filed.

"Section D. As provided in Section C of Article 225, the initial application and all subsequent applications

to the court relating to arbitration of an issue subject to arbitration under an arbitration agreement shall be filed in a civil action or proceeding pending in a court having jurisdiction to hear applications under the provisions of Section A of Article 234 if the civil action or proceeding is pending before the filing of the initial application as otherwise provided by Section A of Article 235.

"Section E. The court may require that an application filed under this Act for entry by it of any judgment or decree or order shall show the jurisdiction of the court, shall have attached to it a copy of the arbitration agreement, shall define the issue or issues subject to arbitration between the parties under the arbitration agreement, shall specify the status of the proceedings before arbitrators and show the need for the entry of the judgment, decree or order by the court sought by the applicant. No application shall be deemed inadequate because of the absence of any of these requirements unless the court shall, in its discretion, first require that the application as filed be amended to meet the requirements of the court and a period of ten days is granted to the applicant to permit him to comply.

"Section F. An application for entry by the court of a judgment or decree or order provided for by the terms of this Act may be filed in advance of the institution of any arbitration proceedings but in aid thereof, or during the pendency of any arbitration proceeding before the arbitrators or, subject to the provisions of subsequent Articles of this Act, at or after the conclusion thereof.

"Section G. In advance of the institution of any arbitration proceedings, but in aid thereof, an application may be filed for order or orders to be entered by the court, including but not limited to applications: (i) invoking the jurisdiction of the court over the adverse party and for effecting same by service of process on him in advance of the institution of arbitration proceedings (it not being required to be shown in this connection that the adverse party is about to, or may, absent himself from the state if jurisdiction over him is not effected by service of process on him before the institution of arbitration proceedings); or (ii) invoking

the jurisdiction of the court over the controversy in rem, by attachment, garnishment, sequestration, or any other ancillary proceeding in the manner by which, and on complying with the conditions under which, such proceedings may be instituted and conducted ancillary to a civil action in a district court; or (iii) seeking to restrain or enjoin the destruction of the subject matter of the controversy or any essential part thereof, or the destruction or alteration of books, records, documents, or evidence needed for the arbitration proceeding, or seeking from the court in its discretion, order for deposition or depositions needed in advance of the commencement of the arbitration proceedings for discovery, for perpetuation of testimony or for evidence; or (iv) seeking the appointment of arbitrator or arbitrators so that proceedings before them under the arbitration agreement may proceed; or (v) seeking any other relief, which the court can grant in its discretion, needed to permit the orderly arbitration proceedings to be instituted and conducted and to prevent any improper interference or delay thereof.

"Section H. During the pendency of any arbitration proceedings before the arbitrators, an application may be filed for order or orders to be entered by the court, including but not limited to applications: (i) referred to or to serve any purpose referred to in Section G of this Article; or (ii) to require compliance by any adverse party or any witness with order or orders made by arbitrators during the arbitration proceedings, pursuant to provisions of this Act; or (iii) to require the issuance and service under orders of the court rather than orders made by the arbitrators, of subpoenas, notices or other court processes in aid of the arbitration proceedings before the arbitrators; or in any ancillary proceeds in rem by attachment, garnishment, sequestration or otherwise, in the manner of and on complying with the conditions under which such ancillary proceedings may be instituted and conducted ancillary to a civil action in a district court; or (iv) to seek to effect or maintain security for the satisfaction of any court judgment that may be later entered pursuant to the provisions of an award. During the pendency of the arbitration proceedings or at or after their conclusion, an application may be

filed to seek any of the above mentioned relief or otherwise aid in the enforcement of any court judgment or decree or order entered pursuant to the provisions of this Act; or for relief as provided in Articles 236, 237 and 238.

"Section I. On filing of any initial application herein authorized, the clerk of the court shall issue process for service upon each adverse party named therein, attaching a copy of the application to each, and appropriate officials authorized so to do may proceed to effect service of such process on each adverse party, the form and substance of the process and service and the return of service, insofar as applicable, being the form provided for as to process and service on a defendant in a civil action in a district court.

"Section J. Upon the filing of any application other than the initial application, if the jurisdiction over the adverse party has been established by service of process on him or in rem upon the initial application (though, if not, then on such subsequent application there shall be a service of process as provided for in Section I of this Article), each subsequent application with reference to the same arbitration proceedings or prospective proceedings under the same arbitration agreement and relating to the same controversy or controversies, shall be treated for the purposes of notice to each adverse party, as if a motion filed in a pending civil action in a district court. Every such subsequent application to the court for any relief and every initial application shall be heard by the court in the manner and pursuant to the notice provided by law or rule of court as to the making and hearing of such a motion.

"Article 236. Confirmation of an Award. Upon application of a party, the court shall confirm an award, unless within the time limits herein-after imposed grounds are urged for vacation or modifying or correcting the award, in which case the court shall proceed as provided in Articles 237 and 238 of this Act.

"Article 237. Vacating an Award.

"Section A. Upon application of a party, the court shall vacate an award where:

"(1) The award was procured by corruption, fraud or other undue means;

"(2) There was evident partiality by an arbitrator appointed as a neutral or corruption in any of the arbitrators or misconduct or wilful misbehavior of any of the arbitrators prejudicing the rights of any party;

"(3) The arbitrators exceeded their powers;

"(4) The arbitrators refused to postpone the hearing upon sufficient cause being shown therefor or refused to hear evidence material to the controversy or otherwise so conducted the hearing, contrary to the provisions of Article 228, as to prejudice substantially the rights of a party; or

"(5) There was no arbitration agreement and the issue was not adversely determined in proceedings under Article 225 and the party did not participate in the arbitration hearing without raising the objection; but the fact that the relief was such that it could not or would not be granted by a court of law or equity is not ground for vacating or refusing to confirm the award.

"Section B. An application under this Article shall be made within ninety days after delivery of a copy of the award to the applicant, except that, if predicated upon corruption, fraud or other undue means, it shall be made within ninety days after such grounds are known or should have been known.

"Section C. In vacating the award on grounds other than stated in paragraph 5 of Section A of this Article, the court may order a rehearing before new arbitrators chosen as provided in the agreement, or in the absence thereof, by the court in accordance with the provisions of Article 226; or, if the award is vacated on grounds set forth in paragraphs 3 and 4 of Section A of this Article, the court may order a rehearing before the arbitrators who made the award or their successors appointed in accordance with the provisions of Article 226. The time within which the agreement requires the award to be made is applicable to the rehearing and commences from the date of the order.

"Section D. If the application to vacate is denied and no motion to modify or correct the award is pending, the court shall confirm the award.

"Article 238. Modification or Correction of Award.

"Section A. Upon application made

within ninety days after delivery of a copy of the award to the applicant, the court shall modify or correct the award where:

"(1) There was an evident miscalculation of figures or an evident mistake in the description of any person, thing, or property referred to in the award;

"(2) The arbitrators have awarded upon a matter not submitted to them and the award may be corrected without affecting the merits of the decision upon the issues submitted;

"(3) The award is imperfect in a matter of form, not affecting the merits of the controversy.

"Section B. If the application is granted, the court shall modify and correct the award so as to effect its intent and shall confirm the award as so modified and corrected. Otherwise, the court shall confirm the award as made.

"Section C. An application to modify or correct an award may be joined in the alternative with an application to vacate the award.

"Article 238-1. Judgment or Decree Upon an Award; The Enforcement Thereof. Upon the granting of an order confirming, modifying or correcting an award, judgment or decree shall be entered in conformity therewith and be enforced as any other judgment or decree. Costs of the application and of the proceedings subsequent thereto, and disbursements may be awarded by the court.

"Article 238-2. Appeals.

"Section A. An appeal may be taken from:

"(1) An order denying an application to compel arbitration made under Section A of Article 225;

"(2) An order granting an application to stay arbitration made under Section B of Article 225;

"(3) An order confirming or denying confirmation of an award;

"(4) An order modifying or correcting an award;

"(5) An order vacating an award without directing a rehearing; or

"(6) A judgment or decree entered pursuant to the provisions of this Act.

"Section B. The appeal shall be taken in the manner and to the same extent as from orders or judgments in a civil action.

"Article 238-3. Act Not Retroactive. The Act applies only to agree-

ments made subsequent to the taking effect of this Act.

"Article 238-4. Uniformity of Interpretation. This Act shall be so construed as to effectuate its general purpose and make uniform the construction of those articles and sections that are enacted into the law of arbitration proceedings of other states.

"Article 238-5. Severability. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

"Article 238-6. Name of this Act; Definition of Term 'this Act'; Effect of Division into Articles, Sections and Paragraphs and of Captions of Articles. The name of this Act is 'Texas General Arbitration Act.' The term 'this Act' as used therein shall mean and refer to Article 224 through this Article 238-6, inclusive. This Act is divided into articles with a caption for each, with a number assigned to each article, certain of the articles are divided into sections with a capital letter assigned to each section and certain of the sections are subdivided into paragraphs with a parenthetical number assigned to each such paragraph. These subdivisions of this Act however are for purposes of convenience only and in order that there may be references in one provision of the Act to other provision or provisions of the Act more readily; neither any such subdivision of the Act nor any caption for any article however shall be any aid to or given any effect in connection with any construction of the Act or any part thereof."

Section 2. This Act does not affect the enforcement of arbitration agreements made before the effective date of this Act.

Sec. 3. This Act takes effect on January 1, 1966.

Sec. 4. The importance of this legislation and the crowded condition of the Calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended.

The Conference Committee Report was read and was adopted.

Record of Votes

Senators Hardeman and Parkhouse asked to be recorded as voting "Nay" on the adoption of the Conference Committee Report on H. B. No. 379.

Senate Concurrent Resolution 58 on Second Reading

The President laid before the Senate on its second reading the following resolution:

S. C. R. No. 58, Providing for continuation of the Election Law Study Committee.

The resolution was read.

Senator Creighton asked unanimous consent to consider the resolution immediately.

Question—Shall S. C. R. No. 58 be considered immediately?

Conference Committee Report on Senate Bill 405

Senator Dies submitted the following Conference Committee Report on S. B. No. 405:

Austin, Texas,
May 28, 1965.

Hon. Preston Smith, President of the Senate.

Hon. Ben Barnes, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the House and Senate on Senate Bill No. 405 have met and adjusted our differences and beg leave to recommend that Senate Bill No. 405 be passed in the form attached hereto.

Respectfully submitted,

DIES
HARRINGTON
WORD
HALL
STRONG

On the part of the Senate

WILSON
BONILLA
MILLER
HOLLOWELL
BERNAL

On the part of the House

S. B. No. 405,

A BILL

To Be Entitled

"An Act amending Senate Bill No. 79, Chapter 880, Page 858, General and Special Laws of the State of Texas, 57th Legislature, Regular Session, 1961, as amended, which is codified as Article 695j, Vernon's Texas Civil Statutes, by amending Subparagraph (g) of Section 1; redefining the term "recipient of public assistance" so as to extend the Medical Assistance Program to include recipients of Aid to the Blind, Aid to the Permanently and Totally Disabled, and Aid to Families with Dependent Children (including the children and/or the caretaker with whom the child lives); adding Subparagraph (j) of Section 1 so as to define "optometrist"; adding a new Subsection (3) to Section 3 of said Article so as to authorize the State Department of Public Welfare under certain conditions and limitations to extend medical services to recipients of public assistance to include services rendered outside a hospital or nursing home; adding a new Subsection (4) to Section 3 relating to persons eligible for medical assistance; fixing the effective date of Medical Assistance payments on behalf of the blind, the disabled, and the children, including their caretakers; providing a repealing clause; a savings clause; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS.

Section 1. Senate Bill No. 79. Chapter 380, Page 858, General and Special Laws of the State of Texas, 57th Legislature, Regular Session, 1961, as amended, which is codified as Article 695j, Vernon's Texas Civil Statutes, is hereby amended by amending Subparagraph (g) of Section 1 of said Act which shall hereafter read as follows:

"(g) The term 'recipient of public assistance,' for the purposes of this Act, means any person who was eligible and receiving a grant of Old Age Assistance, Aid to the Blind, Aid to the Permanently and Totally Disabled, or Aid to Families with Dependent Children (including the chil-

dren and/or the caretaker with whom the child lives) when medical or hospital services or nursing care were rendered."

Sec. 2. Senate Bill No. 79, Chapter 380, Page 858, General and Special Laws of Texas, 57th Legislature, Regular Session, 1961, as amended, which is codified as Article 695j, Vernon's Texas Civil Statutes, is hereby amended by adding Subparagraph (j) to Section 1 of the said Act to read as follows:

"(j) The term 'optometrist' means a person licensed by the Texas State Board of Examiners in Optometry."

Sec. 3. Senate Bill No. 79, Chapter 380, Page 858, General and Special Laws of the State of Texas, 57th Legislature, Regular Session, 1961, as amended, which is codified as Article 695j, Vernon's Texas Civil Statutes, is hereby amended by amending Section 3 of said Article which shall hereafter read as follows:

"Sec. 3. Medical Assistance may be given under the provisions of this Act on behalf of any recipient of public assistance;

(1) Who is certified by the physician of his choice as having an illness, injury or physical deformity which requires immediate inpatient care in a hospital and that the illness, injury or physical deformity is such that the absence of such care would be gravely detrimental to the health of such recipient, or who is certified by the physician of his choice as having an illness, injury or physical deformity which requires that nursing care, as defined herein, be rendered him; and

(2) Who is not an inmate in a public institution (except as a patient in a medical institution) or is not a patient in an institution for tuberculosis or mental disease, or who has not been diagnosed as having tuberculosis or psychosis and is a patient in a medical institution as a result thereof.

(3) In the event that all or any part of the above-described services become available to recipients of assistance through any other Governmental Agency, State or Federal, then and in that event, the State Department of Public Welfare may extend medical services to recipients to include, but not limited to, physician's services outside the hospital, out-

patient hospital or clinic service, home health service, private duty nursing services, and such other services, including optometric services as may be found to be necessary and within the limits of the appropriation for this program.

"The State Department of Public Welfare shall adopt reasonable rules and regulations for determining need for the above-mentioned medical services, and for providing for payment of such services.

(4) Who is certified by the optometrist of the recipient's own choice and who uses the employment of objective or subjective means, without the use of drugs, for the purpose of ascertaining and measuring the powers of vision of the human eye, and fitting lenses or prisms to correct or remedy any defect or abnormal condition of vision. Nothing herein shall be construed to permit optometrists to treat the eyes for any defect whatsoever in any manner, nor to administer nor to prescribe any drug or physical treatment whatsoever unless such optometrist is a regularly licensed physician or surgeon under the laws of this State. The optometrist making such certification shall certify that the absence of such correction would adversely affect the recipient's efficiency, safety or welfare or the safety or welfare of others."

Sec. 4. The medical assistance payments provided herein for recipients of Aid to the Blind, Aid to the Permanently and Totally Disabled, and Aid to Families with Dependent Children (including the caretaker of such children) shall be effective July 1, 1966, except that no payments shall be made unless a major portion of hospital care for Old Age Assistance recipients is assumed by the Federal Government at that time.

Sec. 5. All laws or parts of laws in conflict herewith are hereby repealed to the extent of the conflict only.

Sec. 6. If any Section, subsection, paragraph, sentence, clause, phrase, or word in this Act or application thereof to any person or circumstance is held invalid, such holding shall not affect the validity of the remaining portions of this Act, and the Legislature hereby declares it would have passed such remaining portions despite such invalidity.

Sec. 7. The fact that medical assistance payments are currently limited

to recipients of Old Age Assistance; the fact that the people of the State of Texas, by adopting the Constitutional Amendment on November 4, 1958, also authorized the Legislature to enact appropriate Legislation to authorize vendor payments for medical care to recipients of Aid to the Blind, Aid to the Permanently and Totally Disabled, and Aid to Families with Dependent Children as well as to recipients of Old Age Assistance; the fact that it would be possible to extend medical services to include outpatient care, in the event a part of the medical services now provided to recipients of Old Age Assistance should become available through any other Governmental Agency, and the crowded condition of the calendar create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the said Rule is suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was adopted.

Senate Concurrent Resolution 131

Senator Dies offered the following resolution:

S. C. R. No. 131, Authorizing Enrolling Clerk to make certain corrections in Conference Committee Report on S. B. No. 405.

Be It Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That the Enrolling Clerk of the Senate be and is hereby directed to make the following correction to Section 2 of the Conference Committee Report on Senate Bill 405:

"Sec. 2. Senate Bill No. 79, Chapter 380, Page 858, General and Special Laws of Texas, 57th Legislature, Regular Session, 1961, as amended, which is codified as Article 695j, Vernon's Texas Civil Statutes, is hereby amended by adding a new Subparagraph (j) to Section 1 of said Act to read as follows:

'(j) The term "optometrist" means a person licensed by the Texas State Board of Examiners in Optometry and "vendor of optometric care" under this Act. The Assistance provided under this Act shall also include mon-

etary assistance paid to a vendor of optometric care.'"; and be it further

Resolved, That the Enrolling Clerk be and is hereby directed to correct the caption to conform to the body of the bill as corrected.

The resolution was read.

On motion of Senator Dies and by unanimous consent the resolution was considered immediately and was adopted.

Bills and Resolutions Signed

The President signed in the presence of the Senate after the captions had been read, the following enrolled bills and resolutions:

H. C. R. No. 54, Granting George M. Stephenson permission to sue the State of Texas.

H. C. R. No. 108, Granting permission to Upton Mickle and Abbie Roberts to join the State of Texas as a party defendant in certain law suit or to sue the State in an original action.

H. C. R. No. 122, Granting permission to John F. Rountree and wife, Annie Rountree, and Lola Pearl Bartoli and husband, Tony Bartoli to sue the State of Texas and the State Highway Commission.

H. C. R. No. 124, Granting permission to Nellie V. Morgan to sue the State of Texas and the Texas Highway Department and the Texas Highway Commission.

H. C. R. No. 125, Granting permission for William W. Bishop, Betty Bishop Teeter, William J. Teeter and C. A. Cowles, Jr., of Dallas County, Texas, to bring suit against the State of Texas and the Texas Highway Department and the Texas Highway Commission.

H. C. R. No. 126, Granting permission to Estelle Thomas Jackson of Dallas County, Texas, to sue the State of Texas and the Texas Highway Department and the Texas Highway Commission.

H. C. R. No. 128, Granting permission to Paul F. Martinson to bring suit against the State of Texas and the Texas Highway Department and the Texas Highway Commission.

H. C. R. No. 129, Granting permission for Mrs. Robert L. Miller of

Dallas County, Texas to bring suit against the State of Texas and the State Highway Department.

H. B. No. 133, A bill to be entitled "An Act prohibiting the tattooing of any person under the age of eighteen (18) years; defining tattooing; providing a penalty; and declaring an emergency."

H. B. No. 273, A bill to be entitled "An Act creating a Texas Commission of Fine Arts to foster interest in the development of fine arts and the performing arts in Texas; providing that no state funds shall be used but permitting the acceptance of contributions and appropriating such funds for use in furthering the purposes of this Act; and declaring an emergency."

H. B. No. 318, A bill to be entitled "An Act relating to the use of turning signals by vehicle drivers; amending Section 68, Chapter 421, Acts of the 50th Legislature, Regular Session, 1947; and declaring an emergency."

H. B. No. 335, A bill to be entitled "An Act directing the Commissioners Court of Lubbock County to supplement the salary of the District Judge of the 137th Judicial District, etc., and declaring an emergency."

H. B. No. 348, A bill to be entitled "An Act to establish a new mental hospital and psychiatric and behavioral sciences research institute to be located in Dallas; providing for its construction, maintenance and operation; and declaring an emergency."

H. B. No. 413, A bill to be entitled "An Act relating to the annexation of territory by junior college districts in certain counties; amending Chapter 290, Acts of the 41st Legislature, Regular Session, 1929, as amended; and declaring an emergency."

H. B. No. 519, A bill to be entitled "An Act amending Senate Bill No. 36, Page 544, General Laws of the State of Texas, Regular Session, 1939, as amended by House Bill No. 611, Chapter 562, Page 914, General and Special Laws of the State of Texas, Forty-seventh Legislature, Regular Session, 1941, as amended by House Bill No. 78, Chapter 284, Page 672, General and Special Laws of the State of Texas, Fifty-fifth Legisla-

ture, Regular Session, 1957, as amended, which is codified as Article 695c, Vernon's Texas Civil Statutes, by amending Section 16-B of said Article 695c so as to redefine the term "permanently and totally disabled" as used in this Act; amending Subsection (6) of Section 2, Article XX of Chapter 184, Acts of the Forty-seventh Legislature, Regular Session, 1941, as amended by Section 4 of House Bill 78, Chapter 284, Page 672, General and Special Laws of the State of Texas, Fifty-fifth Legislature, Regular Session, 1957, codified as Article 7083a, Vernon's Texas Civil Statutes, concerning the allocation of State moneys to the "Disabled Assistance Fund"; etc., and declaring an emergency."

H. B. No. 742, A bill to be entitled "An Act authorizing certain independent school districts to provide for workmen's compensation insurance, etc., and declaring an emergency."

H. B. No. 840, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Clear Woods Improvement District'; declaring District a governmental agency, body politic and corporate; defining the boundaries, etc., and declaring an emergency."

H. B. No. 925, A bill to be entitled "An Act authorizing the combined average daily attendance of school districts for determining professional units allotments, etc., and declaring an emergency."

H. B. No. 981, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Bordersville Improvement District'; declaring District a governmental agency, body politic and corporate; defining the boundaries; etc., and declaring an emergency."

H. B. No. 1032, A bill to be entitled "An Act relating to compensation of the county judge of Brazoria County as a member of the juvenile board; and declaring an emergency."

H. B. No. 1046, A bill to be entitled "An Act relating to the sale of certain fish taken from private waters in Brazoria County; and declaring an emergency."

H. B. No. 1047, A bill to be entitled "An Act relating to certain vehicles; providing for the issuance of temporary permits and the conditions relating thereto; prescribing a fee; providing a method of issuing said permits; defining an offense and prescribing a penalty; making other provisions relating thereto, repealing conflicting laws; containing a severability clause; and declaring an emergency."

H. B. No. 1068, A bill to be entitled "An Act relating to the regulatory authority of the Parks and Wildlife Commission over the taking of the wildlife resources of the Somerville Reservoir, located in Burleson, Lee, and Washington Counties; and declaring an emergency."

H. B. No. 1071, A bill to be entitled "An Act amending the Workmen's Compensation Laws of the State of Texas pertaining to death benefits; amending Section 9, Article 8306, Revised Civil Statutes, as amended; etc., and declaring an emergency."

H. B. No. 1079, A bill to be entitled "An Act empowering cities and towns to build, purchase, improve, enlarge and repair, to mortgage and encumber their swimming pools and the gross income and revenues thereof, either or both, to evidence the obligation thereof by the issuance of its revenue bonds; making the provisions of Chapter 10 of Title 28, Revised Civil Statutes of Texas, 1925, as amended, applicable to such bonds, except as modified by this Act; providing for the approval of such bonds by the Attorney General of Texas and their registration by the Comptroller of Public Accounts and prescribing the effect thereof; providing the bonds shall be lawful investments for certain purposes and may secure certain funds; and declaring an emergency."

H. B. No. 1089, A bill to be entitled "An Act relating to length of motor vehicles and combinations transporting timber from forest to processing mill, etc., and declaring an emergency."

H. B. No. 1105, A bill to be entitled "An Act relating to the taking of deer and wild turkey in Lavaca County, etc., and declaring an emergency."

H. B. No. 1133, A bill to be entitled "An Act relating to hunting deer with

dogs in Trinity County, etc., and declaring an emergency."

H. B. No. 1134, A bill to be entitled "An Act relating to the hunting of quail in Angelina County, etc., and declaring an emergency."

H. B. No. 1136, A bill to be entitled "An Act creating the Deep East Texas Interbasin Navigation District, etc., and declaring an emergency."

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has adopted the Conference Committee Report on House Bill No. 97 by a non-record vote.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk House of Representatives

Senate Bill 572 With House Amendments

Senator Rogers called S. B. No. 572 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Amendment No. 1

Amend Senate Bill 572 by striking out all below the enacting clause and substituting the following therefor:

Section 1. If the owner of any motor vehicle which is destroyed to such an extent that it cannot thereafter be operated upon the highways of this State transmits the license fee receipt and the license plates for the vehicle to the State Highway Department, he is entitled to a license fee credit if the prorated portion of the license fee for the remainder of the year is over \$15.00. The State Highway Department, upon satisfactory proof of the destruction of the vehicle, shall issue a license fee credit slip to the owner in an amount equal to the prorated portion of the license fee for the remainder of the year if it is over \$15.00. The owner of the

vehicle at the time of destruction may during the same or the following registration year use the license fee credit slip as payment or part payment for the registration of additional vehicles to the extent of the license fee credit slip. The State Highway Department shall promulgate regulations necessary for the administration of this Act.

Any owner of a motor vehicle applying for a license fee credit under this section shall execute a sworn statement upon a form provided by the State Highway Department showing that the license plates have been surrendered to the State Highway Department. This statement shall be delivered to the purchaser of the destroyed vehicle who may surrender this statement to the State Highway Department in lieu of the vehicle license plates.

Section 2. The owner of any motor vehicle destroyed after January 1, 1964, but prior to the effective date of this Act, is entitled to a license fee credit for use at any time within two years after the date on which the vehicle was destroyed, if he complies with the provisions of this Act.

Section 3. The importance of this legislation and the crowded condition of the calendar in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and the Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

Amendment No. 1 to Committee Amendment

Amend the amendment to S. B. 572 by striking Section 2 thereof.

The House amendments were read.

Senator Rogers moved that the Senate concur in the House amendments.

The motion prevailed.

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House has passed the following:

The House has adopted the Conference Committee Report on House Bill No. 379 by a non-record vote.

The House has concurred in Senate amendments to House Bill No. 918 by a vote of 137 ayes, 2 noes.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Motion to Postpone Senate Concurrent Resolution 58 and Conference Committee Report on House Bill 97

Senator Cole moved that further consideration of S. C. R. No. 58 and the Conference Committee Report on H. B. No. 97 be postponed until 5:00 o'clock p.m. today.

Senator Patman moved as a substitute motion that further consideration of S. C. R. No. 58 be postponed until 5:00 o'clock p.m. today.

Question first on the substitute motion to postpone further consideration of S. C. R. No. 58 until 5:00 o'clock p.m. today, Yeas and Nays were demanded.

The substitute motion was lost by the following vote:

Yeas—11

Aikin	Rogers
Bates	Schwartz
Hazlewood	Snelson
Kennard	Spears
Patman	Strong
Richter	

Nays—15

Blanchard	Krueger
Calhoun	Moore
Cole	Parkhouse
Colson	Ratliff
Creighton	Reagan
Hardeman	Watson
Harrington	Word
Hightower	

Absent

Crump	Herring
Dies	Kazen
Hall	

Question next to postpone further consideration of S. C. R. No. 58 and the Conference Committee Report on

H. B. No. 97 until 5:00 o'clock p.m. today, Yeas and Nays were demanded.

The motion was lost by the following vote:

Yeas—12

Aikin	Kennard
Bates	Patman
Cole	Rogers
Harrington	Snelson
Hazlewood	Spears
Kazen	Strong

Nays—14

Blanchard	Moore
Calhoun	Parkhouse
Colson	Ratliff
Creighton	Reagan
Hardeman	Schwartz
Hightower	Watson
Krueger	Word

Absent

Crump	Herring
Dies	Richter
Hall	

**House Joint Resolution 69 on
Second Reading**

On motion of Senator Cole and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. J. R. No. 69, Proposing an amendment to the Constitution of the State of Texas by adding a new section, Section 63 to Article III; authorizing the Legislature to provide by statute for the accomplishment of governmental functions within any county having one million two hundred thousand (1,200,000) or more inhabitants by the consolidation of the functions of government or by contract between any political subdivision(s) located within the county and any other political subdivision(s) located within the county or with the county; providing for an election and the issuance of a proclamation therefor.

The resolution was read second time and passed to third reading.

**House Joint Resolution 69 on
Third Reading**

Senator Cole moved that the Constitutional Rule and Senate Rule 32

requiring resolutions to be read on three several days be suspended and that H. J. R. No. 69 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Krueger
Bates	Moore
Blanchard	Parkhouse
Calhoun	Patman
Cole	Ratliff
Colson	Reagan
Creighton	Richter
Dies	Rogers
Hardeman	Schwartz
Harrington	Snelson
Hazlewood	Spears
Herring	Strong
Hightower	Watson
Kazen	Word
Kennard	

Absent

Crump	Hall
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The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—29

Aikin	Krueger
Bates	Moore
Blanchard	Parkhouse
Calhoun	Patman
Cole	Ratliff
Colson	Reagan
Creighton	Richter
Dies	Rogers
Hardeman	Schwartz
Harrington	Snelson
Hazlewood	Spears
Herring	Strong
Hightower	Watson
Kazen	Word
Kennard	

Absent

Crump	Hall
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Message From the House

Hall of the House of Representatives
Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House has passed the following:

S. C. R. No. 111, Granting permission to Judge Truman E. Roberts to sue the State of Texas.

Motion to suspend rules and reconsider vote by which House refused to concur in Senate Amendment to H. J. R. No. 48 prevailed by vote of 94 ayes, 39 noes.

The House has concurred in Senate amendments to H. J. R. No. 48 by vote of 113 ayes, 27 noes.

The House has concurred in Senate amendments to House Bill No. 156 by vote of 135 ayes, 0 noes.

The House has concurred in Senate amendments to House Bill No. 1014 by vote of 127 ayes, 0 noes.

The House has concurred in Senate amendments to House Bill No. 1015 by a non-record vote.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Bill and Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bill and resolution:

S. C. R. No. 120, Requesting the Railroad Commission to immediately define commercial zones.

H. B. No. 1174, A bill to be entitled "An Act validating proceedings of the Logan-Slough Creek Improvement District, etc., and declaring an emergency."

Motion to Postpone the Conference Committee Report on House Bill 97

Senator Moore moved that further consideration of the Conference Committee Report on H. B. No. 97 be postponed until 4:00 o'clock p.m. on Monday, May 31, 1965.

Question on the motion to postpone, Yeas and Nays were demanded.

The motion was lost by the following vote:

Yeas—13

Blanchard

Calhoun

Colson	Moore
Creighton	Parkhouse
Hardeman	Ratliff
Harrington	Reagan
Hightower	Word
Krueger	

Nays—15

Aikin	Richter
Bates	Rogers
Cole	Schwartz
Dies	Snelson
Hazlewood	Spears
Kazen	Strong
Kennard	Watson
Patman	

Absent

Crump	Herring
Hall	

Senate Concurrent Resolution 58 on Second Reading

The Senate resumed the consideration of the pending business, same being S. C. R. No. 58 on its second reading.

Question—Shall S. C. R. No. 58 be considered immediately?

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 180, Providing that House Bill No. 1186 be immediately effective.

The House has adopted the Conference Committee Report on House Bill No. 944 by a non-record vote.

The House has concurred in Senate amendments to House Bill No. 790 by vote of 142 ayes, 0 noes.

The House has concurred in Senate amendments to House Bill No. 258 by a non-record vote.

The House has concurred in Senate amendments to House Bill No. 267 by a non-record vote.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Bills Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills:

H. B. No. 390, A bill to be entitled "An Act relating to deer in Liberty County; and declaring an emergency."

H. B. No. 532, A bill to be entitled "An Act amending Articles 12, 13, Title 122A, Taxation General relating to the state's prior lien on corporate property to secure payment of franchise taxes, etc., and declaring an emergency."

H. B. No. 671, A bill to be entitled "An Act relating to stocking public lakes and reservoirs in Wood County with fish; and declaring an emergency."

H. B. No. 687, A bill to be entitled "An Act amending Art. 1551, Penal Code, to prohibit fraudulent departure from a mobile home park, etc., and declaring an emergency."

H. B. No. 756, A bill to be entitled "An Act amending Art. 276, Code Criminal Procedures relating to the qualifications of a married woman as a surety on a recognizance or bail bond, etc., and declaring an emergency."

H. B. No. 758, A bill to be entitled "An Act to amend Article 4629, Revised Civil Statutes of Texas, 1925, as amended so as to eliminate the present double standard as applied to adultery as a ground for divorce by providing that adultery shall be a ground for divorce for either the husband or the wife and so as to provide that imprisonment in a penitentiary other than a Texas penitentiary shall constitute an element of the ground for divorce based on conviction of a felony; and declaring an emergency."

H. B. No. 907, A bill to be entitled "An Act authorizing the Parks and Wildlife Commission to regulate the taking of crabs from coastal waters, etc., and declaring an emergency."

H. B. No. 989, A bill to be entitled "An Act amending Art. 14.33, Insurance Code, relating to powers of a conservator in handling an insurance company's business, etc., and declaring an emergency."

H. B. No. 1053, A bill to be entitled "An Act changing the open season on deer in La Salle County, etc., and declaring an emergency."

H. B. No. 1060, A bill to be entitled "An Act prohibiting the sale of certain types of motor vehicle keys, etc., and declaring an emergency."

H. B. No. 1128, A bill to be entitled "An Act relating to powers of Directors of the Brazos County Water Control and Improvement District No. 1, Big Creek; etc.; and declaring an emergency."

H. B. No. 1132, A bill to be entitled "An Act relating to the construction of cattle guards by counties on certain roads; etc., and declaring an emergency."

H. B. No. 1140, A bill to be entitled "An Act creating the "Folletts Island Water Supply District of Brazoria County;" etc., and declaring an emergency."

H. B. No. 1163, A bill to be entitled "An Act relating to the election of the supervisors of the Cameron County Fresh Water Supply District No. 1 of Port Isabel, Texas; and declaring an emergency."

**House Joint Resolution 13 on
Third Reading**

Senator Spears moved that Senate Rule 32 and the Constitutional Rule requiring resolutions to be read on three several days be suspended and that H. J. R. No. 13 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Krueger
Bates	Parkhouse
Blanchard	Patman
Cole	Reagan
Colson	Richter
Creighton	Rogers
Dies	Schwartz
Harrington	Spears
Hightower	Strong
Kazen	Watson
Kennard	Word

Nays—5

Calhoun	Moore
Hardeman	Ratliff
Hazlewood	

Absent

Crump	Herring
Hall	Snelson

The President then laid the following resolution before the Senate on its third reading and final passage:

H. J. R. No. 13, Proposing an amendment to the Constitution to repeal the poll tax requirement as a prerequisite for voting; etc., and declaring an emergency."

The resolution was read third time and passed by the following vote:

Yeas—21

Aikin	Kennard
Bates	Krueger
Cole	Moore
Colson	Patman
Creighton	Reagan
Dies	Richter
Hall	Schwartz
Harrington	Spears
Herring	Strong
Hightower	Watson
Kazen	

Nays—8

Blanchard	Parkhouse
Calhoun	Ratliff
Hardeman	Rogers
Hazlewood	Word

Absent

Crump	Snelson
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Bill and Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bill and resolution:

S. J. R. No. 19, Proposing an amendment to Section 49-d, Article III of the Constitution of the State of Texas, declaring state policy regarding optimum development of water reservoirs; providing for the use of the Texas Water Development Fund under such conditions as the Legislature may prescribe by general law in the acquisition and development of storage facilities and any system of works properly appurtenant thereto; etc., and declaring an emergency."

S. B. No. 58, A bill to be entitled "An Act amending Section 24 of House Bill No. 407, Chapter 4, page

602 of the General Laws, Acts of the 46th Legislature, Regular Session, 1939, to provide for a right of survivorship agreement between husband and wife, to provide for the issuance of the certificate of title in the name of both; etc.; and declaring an emergency."

Recess

On motion of Senator Aikin the Senate at 5:12 o'clock p.m. took recess until 8:30 o'clock p.m. today.

Record of Vote

Senator Patman asked to be recorded as voting "Nay" on the motion to recess.

After Recess

The President called the Senate to order at 8:30 p.m. o'clock today.

House Concurrent Resolution 143 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 143, Congratulating Donald Addison Lee of Austin on his achievements as a student and leader.

The resolution was read.

By unanimous consent the resolution was considered immediately and was adopted.

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 131, Correcting the Conference Committee Report on S. B. No. 405.

S. B. No. 408, A bill to be entitled "An Act to authorize and provide for the establishment of Regional Education Media Centers pursuant to rules and regulations prescribed by the State Board of Education and

the Central Education Agency, etc., and declaring an emergency."

H. C. R. No. 183, Directing the Engrossing and Enrolling Clerk of the House of Representatives to make certain correction in Senate Floor Amendment No. 1 before enrolling it as a part of House Bill No. 114.

H. C. R. No. 182, Directing the Enrolling Clerk of the Senate to make certain corrections on the Conference Committee Report of S. B. No. 107.

H. C. R. No. 184, Directing the Enrolling and Engrossing Clerk of the House of Representatives to make certain changes in Senate Amendment No. 1 before enrolling it as a part of House Joint Resolution No. 13.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolutions:

S. C. R. No. 84, Granting Devil Bowl Speedway, Inc., permission to sue the State.

S. C. R. No. 95, Requesting Coordinating Board, Texas Colleges and Universities System to study feasibility of establishing an institution of Higher Education in Bexar County.

S. C. R. No. 109, Granting Eugene Marsh et al permission to sue the State.

S. C. R. No. 111, Granting permission to Truman E. Roberts to sue the State of Texas.

S. C. R. No. 115, A resolution directing the Water Pollution Control Board, the Bay Study Committee and other interested State Agencies to negotiate with the Health, Education, and Welfare Department, and the Corps of Engineers to secure a working model of the Galveston Bay system.

S. C. R. No. 122, Expressing appreciation to the Honorable Summers A. Norman for years of dedicated service to State.

S. C. R. No. 123, Endorsing the participation of the State of Texas in

the Trade Mission program as a means of promoting the economic development of Texas.

S. C. R. No. 125, Granting Ella Quante Hancock permission to sue the State of Texas.

S. C. R. No. 126, Memorial resolution for Randal Mason Day.

S. C. R. No. 127, Memorial resolution for Judge Sam Butler Braziel.

S. C. R. No. 128, Requesting House of Representatives to make endorsements on Engrossed Copy of S. B. No. 59.

S. C. R. No. 129, Providing that State of Texas participate in National Conference of Legislative Leaders and authorizing payment of Annual Dues out of Contingent Expense.

S. C. R. 131, Authorizing Enrolling Clerk to make certain corrections in Conference Committee Report on S. B. No. 405.

House Concurrent Resolution 154 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 154, In memory of Mrs. Stella Odell McCaskill.

The resolution was read and was adopted by a rising vote of the Senate.

Senate Concurrent Resolution 58 on Second Reading

The Senate resumed the consideration of the pending business, same being S. C. R. No. 58 on its second reading.

Question—Shall S. C. R. No. 58 be considered immediately?

House Concurrent Resolution 142 on Second Reading

Senator Strong asked unanimous consent to suspend the regular order of business and take up H. C. R. No. 142 for consideration at this time.

There was objection.

Senator Strong then moved to suspend the regular order of business and take up H. C. R. No. 142 for consideration at this time.

The motion prevailed by the following vote:

Yeas—23

Aikin	Krueger
Bates	Moore
Blanchard	Parkhouse
Cole	Ratliff
Colson	Reagan
Dies	Richter
Hall	Schwartz
Harrington	Snelson
Herring	Spears
Hightower	Strong
Kazen	Word
Kennard	

Nays—5

Creighton	Rogers
Hardeman	Watson
Patman	

Absent

Calhoun	Hazlewood
Crump	

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 142, Creating a Committee on State and Local Tax Policy.

The resolution was read and was adopted.

Record of Votes

Senators Hardeman and Patman asked to be recorded as voting "Nay" on the adoption of the above resolution.

House Bill 140 on Second Reading

On motion of Senator Harrington and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 140, A bill to be entitled "An Act Increasing salaries of certain county officials; etc., and declaring an emergency."

The bill was read the second time and was passed to third reading.

Record of Votes

Senators Hardeman, Creighton, Blanchard, Reagan, and Rogers asked to be recorded as voting "Nay" on the passage of H. B. No. 140 to third reading.

House Bill 140 on Third Reading

Senator Harrington moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 140 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Parkhouse
Bates	Patman
Cole	Ratliff
Crump	Reagan
Dies	Richter
Hardeman	Rogers
Harrington	Schwartz
Hightower	Snelson
Kazen	Spears
Kennard	Strong
Krueger	Watson
Moore	Word

Nays—4

Blanchard	Creighton
Calhoun	Herring

Absent

Colson	Hazlewood
Hall	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Bills and Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

H. C. R. No. 72, Granting Mattie McDaniel Welch, et al. permission to sue the State of Texas.

H. C. R. No. 74, Granting permission to the Communications Workers of America, Local 6222, to sue the State of Texas and the State Highway Department.

H. C. R. No. 123, Granting permission for W. H. Farner and Charles Mooney of Dallas County, Texas to bring suit against the State of Texas.

H. C. R. No. 132, Granting permission to H. S. Moss and The Harry S.

Moss Foundation to sue the State of Texas and the State Highway Department.

H. C. R. No. 138, Granting Henry J. Friesenhahn permission to sue the State of Texas.

H. C. R. No. 139, Granting permission to George and Hardy Bradford to sue the State of Texas.

H. C. R. No. 141, Granting permission to R. N. Walton and Mrs. E. T. Griffith of Dallas County, Texas, to bring suit against the State of Texas.

H. C. R. No. 156, Commending and congratulating Ruben R. Montemayor.

H. C. R. No. 172, Granting permission to Dynamic System Electronics Corporation to sue the State of Texas.

H. J. R. No. 65, Proposing an amendment to the Constitution to provide that school taxes shall not be invalidated by a change in district boundaries; etc., and declaring an emergency.

H. B. No. 138, A bill to be entitled "An Act concerning uniform reciprocal enforcement of support; repealing Chapter 377, Acts of the 52nd Legislature, 1951, as amended; and declaring an emergency."

H. B. No. 160, A bill to be entitled "An Act relating to the creation of the Sinton-Odem Hospital District in San Patricio County; providing for the administration and financing of the District; and declaring an emergency."

H. B. No. 161, A bill to be entitled "An Act relating to the creation of the Taft Hospital District in San Patricio County; providing for the administration and financing of the District; and declaring an emergency."

H. B. No. 164, A bill to be entitled "An Act Prohibiting collection of ad valorem taxes due before 1945; etc., and declaring an emergency."

H. B. No. 205, A bill to be entitled "An Act to amend Article 5921, Revised Civil Statutes of Texas, 1925, relating to the removal of disabilities of minors, so as to provide that all minors above the age of eighteen (18) years may have their disabilities of minority removed where it shall

appear to their material advantage to do so; repealing Article 5921a, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

H. B. No. 216, A bill to be entitled "An Act to amend Chapter 1, Section 12, Mental Health Code of Texas, to provide that certain records in mentally ill dockets of county clerks are public records of a private nature which may be used, inspected and copied when in the public interest, only by order of the county judge, probate judge, or a district judge of a county in which the records are; providing for the repeal of all laws or parts of laws in conflict; and declaring an emergency."

H. B. No. 1110, A bill to be entitled "An Act authorizing counties of this State to contract with the United States Government or its agencies for the joint construction or improvement of roads, bridges, and other county improvements and for the maintenance of the same, and to pay the county's portion of such expense out of available county funds; etc., and declaring an emergency."

H. B. No. 1158, A bill to be entitled "An Act creating a Court of Domestic Relations in and for Midland County, Texas; providing for its jurisdiction, terms, personnel, administration, and practice; and declaring an emergency."

H. B. No. 1170, A bill to be entitled "An Act excepting certain prepared flour and meal from the standard measures and labeling requirements; amending Section 4, Chapter 385, Acts of the 48th Legislature, 1943; and declaring an emergency."

H. B. No. 1106, A bill to be entitled "An Act relating to the creation of Presidio County Hospital District of Presidio County, Texas, by authority of Section 9, Article IX, Constitution of the State of Texas; and declaring an emergency."

H. B. No. 13, A bill to be entitled "An Act changing the name of the Board of Regents of the State Teachers' Colleges to "Board of Regents, State Senior Colleges"; enlarging the jurisdiction of the present Board; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 1061, A bill to be entitled "An Act relating to fees which may be charged by child-placing agencies for placement, consultation or other child-placing activities; amending Subsection 2(e) of Section 8(a) of The Public Welfare Act of 1941, as amended; and declaring an emergency."

H. B. No. 1030, A bill to be entitled "An Act relating to hunting squirrels in Limestone County; and declaring an emergency."

H. B. No. 539, A bill to be entitled "An Act relating to the leasing of land under elevated freeways for parking purposes; amending Chapter 24, Acts of the 48th Legislature, 1943, as amended; and declaring an emergency."

H. B. No. 820, A bill to be entitled "An Act relating to the salary of the assistants to the county superintendent in certain counties; and declaring an emergency."

H. B. No. 1173, A bill to be entitled "An Act to provide for the sale and issuance of a patent on certain unpatented Permanent Free School Fund land in Hardin County with a reservation of all minerals, along with the leasing rights to the State; and containing an emergency clause."

H. B. No. 1058, A bill to be entitled "An Act relating to the organization, powers, and functions of the Upper Guadalupe River Authority; amending Sections 2, 3, and 10-A, Chapter 5, page 1062, Special Laws, Acts of the 46th Legislature, 1939, as amended; and declaring an emergency."

H. B. No. 991, A bill to be entitled "An Act authorizing creation of vocational school districts; providing for vocational education programs, and for their financing, management, operation, curriculum, and eligibility for enrollment; and declaring an emergency."

H. B. No. 1026, A bill to be entitled "An Act amending Chapter 30 Acts of the 55th Legislature, First Called Session, 1957, by correcting and redefining the boundaries of the Darr's Creek Watershed Authority, and validating Darr's Creek Watershed Authority and all Acts and proceedings performed, had, or attempted pur-

suant to said Act; and declaring an emergency."

H. B. No. 1084, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Timberlake Improvement District'; etc., and declaring an emergency."

H. B. No. 1146, A bill to be entitled "An Act relating to the creation, administration, powers and duties, and financing of and the transfer of existing facilities to the Terry Memorial Hospital District in Terry County; and declaring an emergency."

H. B. No. 1168, A bill to be entitled "An Act relating to the powers of certain cities and counties with respect to the construction, operation, and financing of park and fairground facilities; amending Chapter 349, Acts of the 58th Legislature, 1963; and declaring an emergency."

H. B. No. 754, A bill to be entitled "An Act to amend Article 1983, Revised Civil Statutes of Texas, 1925, so as to permit a married woman to sue alone for the recovery of her separate property or of the special community property under conditions herein specified; to repeal Article 1984, Revised Civil Statutes of Texas, 1925; and to amend Article 1985, Revised Civil Statutes of Texas, 1925, so as to provide that the wife may be sued alone or jointly with her husband in all suits for debts or torts of or demands against the wife, but that no personal judgment be rendered against the husband, unless he is also liable, and that no judgment rendered in a suit against the wife alone shall be enforceable against community property other than the special community property; and declaring an emergency."

H. B. No. 992, A bill to be entitled "An Act relating to a creditor's remedy against a person who has a dormant deposit or inactive account which is advertised in accordance with Article 3272b, Revised Civil Statutes of Texas, 1925, as added; and declaring an emergency."

H. B. No. 904, A bill to be entitled "An Act concerning the payment of aid and compensation to persons who have paid fines or served sentences

for crimes of which they are not guilty; and declaring an emergency."

H. B. No. 765, A bill to be entitled "An Act relating to the franchise tax exemption for corporations organized for purely public charity; amending Chapter 12, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, by adding a new Article 12.03A; and declaring an emergency."

H. B. No. 814, A bill to be entitled "An Act providing for purchase of retirement credit for teaching service in a private school or parochial school in Texas; providing a severability clause; and declaring an emergency."

H. B. No. 425, A bill to be entitled "An Act relating to certain illegal means of taking fish in the Angelina River and Mud Creek in Rusk, Nacogdoches, and Cherokee Counties; and declaring an emergency."

H. B. No. 435, A bill to be entitled "An Act designating private vehicles operated by volunteer firemen while answering a fire alarm as authorized emergency vehicles under the Uniform Act Regulating Traffic on Highways; amending Subsection (d), Section 2, Chapter 421, Acts of the 50th Legislature, 1947, as amended; and declaring an emergency."

H. B. No. 871, A bill to be entitled "An Act amending Acts, 1951, 52nd Legislature, page 1210, Chap. 498, as amended, known as the Texas Motor Vehicle Safety-Responsibility Act, providing for the surrender of license and automobile registration where such license and automobile registration have been suspended or where the security deposited has been cancelled or terminated, and amending Sec. 32(d) to change the penalty from a fine of not more than Five Hundred Dollars (\$500) or imprisonment not exceeding six (6) months to a fine of not more than Two Hundred Dollars (\$200) for refusing to surrender the license or registration; etc., and declaring an emergency."

H. B. No. 753, A bill to be entitled "An Act to include within the definition of the term "exceptional children" eligible for special education services pregnant girls who are residents of or under the care of licensed maternity homes; amending Paragraph a, Subsection (4), Section 1,

Article III of Chapter 334, Acts of the 51st Legislature, Regular Session, 1949, as amended; and declaring an emergency."

H. B. No. 243, A bill to be entitled "An Act amending Article 2792 of the Revised Civil Statutes of Texas, 1925, as amended, changing the amount received for assessing and collecting taxes for independent school districts; amending Article 2795 of the Revised Civil Statutes of Texas, 1925, so as to change the amount received for assessing and collecting taxes for common school districts; providing the severability clause; and declaring an emergency."

H. B. No. 418, A bill to be entitled "An Act amending Article 7332, Revised Civil Statutes of Texas, 1925, as amended, relating to fees in delinquent tax suits; and declaring an emergency."

H. B. No. 430, A bill to be entitled "An Act amending Article 6.12 of the Insurance Code of Texas, Acts 1951, 52nd Legislature, Chapter 491, as amended, Acts 1959, 56th Legislature, Chapter 291, Section 1, and Article 8.07 of the Insurance Code of Texas, Acts 1951, 52nd Legislature, Chapter 491, by including in the assets to be shown on the annual statements of Fire and Marine and Casualty Insurance Companies the value of electronic machines, office equipment, furniture, machines and labor-saving devices; etc., and declaring an emergency."

H. B. No. 466, A bill to be entitled "An Act to provide that preference be given in State purchasing to certain products manufactured by organizations that train and employ mentally retarded or physically handicapped persons; amending Section 13, Chapter 304, Acts of the 55th Legislature, Regular Session, 1957; and declaring an emergency."

H. B. No. 470, A bill to be entitled "An Act authorizing all counties, cities, towns, and villages, including Home Rule Charter cities, to operate and maintain parks, and to acquire and/or improve land for park purposes, and to issue negotiable tax bonds for such park purposes, etc., and declaring an emergency."

H. B. No. 517, A bill to be entitled "An Act making it unlawful to take or shoot wild deer, wild elk, wild

antelope, wild aoudad sheep, and wild desert bighorn sheep with a .22 caliber rifle using rimfire ammunition in certain counties, etc., and declaring an emergency."

H. B. No. 980, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'West Road Improvement District'; etc., and declaring an emergency."

H. B. No. 736, A bill to be entitled "An Act relating to public transportation services under the Foundation School Program Act; amending Subsection (3), Section 2, Article V, Foundation School Program Act, as amended; and declaring an emergency."

H. B. No. 949, A bill to be entitled "An Act amending Subdivision (e), Section 1, Chapter 82, Acts of the 57th Legislature, Regular Session, 1961, defining certain terms; and declaring an emergency."

H. B. No. 528, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Lazy River Improvement District'; etc., and declaring an emergency."

H. B. No. 569, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Rayburn Improvement District,' etc., and declaring an emergency."

H. B. No. 1041, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article XVI, Section 59, of the Constitution of Texas, comprising certain territory contained in Live Oak County, Texas, to be known as Three Rivers Water District, etc., and declaring an emergency."

H. B. No. 848, A bill to be entitled "An Act relating to the bond required before issuance of a writ or attachment, etc., and declaring an emergency."

Conference Committee Report on House Bill 73

Senator Strong submitted the following Conference Committee Report on H. B. No. 73:

Austin, Texas,
May 25, 1965.

Hon. Preston Smith, President of the Senate.

Hon. Ben Barnes, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 73, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

**STRONG
DIES
CALHOUN**

On the part of the Senate.

**ALLEN
WILLIAMSON
COWLES
HALE
SLIDER**

On the part of the House.

H. B. No. 73,

A BILL To Be Entitled

An Act to define the limit, under certain circumstances, the liability of any owner, lessee or occupant of real property who gives permission to another to enter his premises for purposes of hunting, fishing and/or camping; providing certain exceptions; preserving unchanged the doctrine of attractive nuisance; maintaining unchanged the liability of those who operate commercial recreational enterprises or who charge for permission to enter, with certain exceptions; defining the word "premises" as used in this act; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. If any owner, lessee or occupant of real property gives permission to another to enter the premises for purposes of hunting, fishing and/or camping, he does not thereby
(1) extend any assurance that the premises are safe for such purposes, or

(2) constitute the person to whom permission is granted one to whom greater degree of care is owed than that owed to a trespasser on the premises, or

(3) assume responsibility for or incur liability for any injury to persons or property caused by any act of persons to whom permission is granted.

Section 2. The provisions of this act shall not relieve any owner, lessee or occupant of real property of any liability which would otherwise exist for deliberate, willful or malicious injury to persons or property, nor does it create any liability where such liability does not now exist.

Section 3. The provisions of this act shall not modify, extend or change in any way the doctrine of attractive nuisance as interpreted and applied by the courts of Texas.

Section 4. The provisions of this Act shall not be interpreted to limit, restrict, modify or change in any way the liability which would otherwise apply to any owner, lessee or occupant of real property who

(1) uses the premises or any part thereof, or permits the use of the premises or any part thereof, as a commercial recreational enterprise for purposes of profit, or

(2) makes a charge for permission to enter the premises, other than that levied against those who remove game from the premises in such sum as may reasonably be required for the replacement of such game.

Section 5. The provisions of this act shall not be interpreted to create any liability where such liability does not now exist.

Section 6. The word "premises," as used in this act, shall include lands, roads, waters, water courses, and private ways, together with all buildings, structures, machinery or equipment attached thereto or located thereon.

Section 7. All laws or parts of laws in conflict herewith are hereby repealed.

Section 8. The great demand for recreational facilities creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage and it is so enacted.

The Conference Committee Report was read and was adopted.

Conference Committee Report on Senate Bill 457

Senator Schwartz offered the following Conference Committee Report on S. B. No. 457:

Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Hon. Ben Barnes, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the House and Senate on Senate Bill 457, have met and adjusted our differences and beg leave to recommend that Senate Bill No. 457 be passed in the form attached hereto.

Respectfully submitted,

**SCHWARTZ
KENNARD
BATES
STRONG
ROGERS**

On the part of the Senate.

**CALDWELL
HOLMES
GATES
HARRIS**

On the part of the House.

S. B. No. 457,

A BILL

To Be Entitled

An Act amending Article 1.13, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as added by Section 1, Article VII, Chapter 24, Acts of the 57th Legislature, 1st Called Session, 1961, relating to acceptance of postmark as evidence of timely making of payments, or filing of various documents; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Article 1.13, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as added by Section 1, Article VII, Chapter 24, Acts of the 57th Legislature, 1st Called Session, 1961, is amended to read as follows:

"Art. 1.13. Acceptance of Postmark. Any payment, report, annual report, return, declaration, statement, or other document required by any provision of this Title which requires

such payment, report, annual report, return, declaration, statement, or other document to be filed or made on or before a specific date, shall be deemed sufficiently complied with if

(1) the payment, report, annual report, return, declaration, statement, or document shall bear a cancellation of postmark which is dated on or before the date required for such payment, report, annual report, return, declaration, statement, or document to be filed or made, or

(2) the payment, report, annual report, return, declaration, statement, or document shall bear a cancellation of postmark which is dated the first day the post office is open for business following the date required for such payment, report, annual report, return, declaration, statement, or document to be filed or made, and evidence, by way of affidavit, is submitted as proof of the fact that the payment, report, annual report, return, declaration, statement, or document was posted or delivered to the post office on or before the date required for such payment, report, annual report, return, declaration, statement, or document to be filed or made," or

(3) In the event such specific date is a Saturday, Sunday, or legal holiday, the payment, report, annual report, return, declaration, statement, or document shall bear a postmark which is dated on the next day succeeding which is not a Saturday, Sunday or legal holiday. Legal holiday means any State or Federal legal holiday or any other day on which public offices of the State or Federal offices and establishments are closed to public business as prescribed by law or appropriate executive or administrative order."

Sec. 2. The provisions of this Act shall apply to all payments, reports, annual reports, returns, declarations, statements or documents required by any provision of this Title heretofore or hereafter made or required to be made.

Sec. 3. The importance of this legislation and the crowded condition of the calendar in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and the Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was adopted.

House Bill 1162 on Second Reading

On motion of Senator Colson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1162, A bill to be entitled "An Act abolishing the office of county superintendent, and transferring its duties to the county judge, in certain counties; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 1162 on Third Reading

Senator Colson moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 1162 placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Bill 1186 on Second Reading

On motion of Senator Snelson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1186, A bill to be entitled "An Act for a Local Road Law for the maintenance of the public roads and highways in El Paso County, etc., and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 1186 on Third Reading

Senator Snelson moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 1186 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

House Concurrent Resolution 180 on Second Reading

The President laid before the Sen-

ate on its second reading the following resolution:

H. C. R. No. 180, Providing for the effective date of H. B. No. 1186.

The resolution was read.

On motion of Senator Snelson and by unanimous consent the resolution was considered immediately and was adopted.

House Concurrent Resolution 40 on Second Reading

On motion of Senator Kazen and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

H. C. R. No. 40, Requesting the Legislative Council to study case of Gideon V. Wainwright with reference to his right to adequate counsel.

The resolution was read and was adopted.

Senate Concurrent Resolution 58 on Second Reading

The Senate resumed the consideration of the pending business, same being S. C. R. No. 58 on its second reading.

Question—Shall S. C. R. No. 58 be considered immediately?

The resolution was considered immediately and was adopted.

Bills and Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

S. B. No. 370, A bill to be entitled "An Act relating to the definition of 'money, property, or other valuable thing' in penal statutes; amending Article 630, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

S. B. No. 537, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI, Constitution of Texas, to be known as 'Crosby Municipal Utility District of Harris County, Texas'; etc and declaring an emergency."

S. B. No. 524, A bill to be entitled "An Act constituting a local law for the maintenance of public roads and highways in Robertson County, etc., and declaring an emergency."

S. B. No. 570, A bill to be entitled "An Act relating to the election of trustees of independent school districts in certain counties; and declaring an emergency."

S. B. No. 293, A bill to be entitled "An Act amending Article 3913, Revised Civil Statutes of Texas, 1925, as amended; authorizing the State Librarian to charge a fee for furnishing copies of documents or records in his office in an amount to be determined by the Library and Historical Commission, with reference to the amount of labor, supplies and materials required; authorizing fees collected by the State Librarian to be retained by the Texas Library and Historical Commission; making other provisions relating thereto; and declaring an emergency."

S. B. No. 498, A bill to be entitled "An Act to amend Section 1 and Subsections (a) and (c) of Section 22, of Chapter 173, page 245, Acts of the Forty-Seventh Legislature, 1941, as amended, codified as Article 6687b, Vernon's Annotated Civil Statutes so as to add a definition and to make more certain the Legislative intent that the Department shall not have the authority to determine the length of license suspension as set out in said sections; and declaring an emergency."

S. B. No. 362, A bill to be entitled "An Act relating to making and drawing of worthless checks with the intent to defraud; repealing Subsection 3 and amending Subsections 2 and 4(a) of Section 1 of House Bill No. 457, Chapter 268, page 729, Acts of the 58th Legislature, Regular Session, 1963, as amended (being Article 567b, Vernon's Texas Penal Code); repealing all laws in conflict therewith; providing a savings clause; and declaring an emergency."

S. B. No. 366, A bill to be entitled "An Act to amend Article 405 of the Penal Code of the State of Texas by providing that either parent may give consent for the marriage of a minor; providing for the repeal of all laws

in conflict; containing a saving clause; and declaring an emergency."

S. B. No. 404, A bill to be entitled "An Act relating to change of boundaries of commissioners precincts and justice of the peace precincts; authorizing the commissioners court to provide that changes ordered by it shall take effect at a future date, and providing for election of precinct officers by the voters of the newly formed precincts before the changes take effect; etc., and declaring an emergency."

S. B. No. 573, A bill to be entitled "An Act relating to hunting, taking, capturing, shooting, killing and selling collared peccary or javelina in certain portions of Commissioners Precinct No. 1 in Kleberg County, Texas; providing a penalty for a violation of this Act; and declaring an emergency."

S. B. No. 567, A bill to be entitled "An Act amending Section 2 of Chapter 82, Acts of the 50th Legislature, Regular Session, 1947, as amended by Section 1 of Chapter 174, Acts of the 58th Legislature, Regular Session, 1963 (codified as Article 5344c of Vernon's Texas Civil Statutes), so as to provide for amendment to extend the term of existing oil, gas, and mineral leases covering certain State lands; and declaring an emergency."

S. B. No. 568, A bill to be entitled "An Act repealing Chapter 82, Acts of the Fortieth Legislature, Regular Session, 1927, as amended by Chapter 26, Acts of the Forty-Fourth Legislature, Regular Session, 1935, and codified as Articles 2815a, 2815b, 2815c, 2815d, 2815e, 2815f, and 2815g, Vernon's Texas Civil Statutes; and declaring an emergency."

S. B. No. 563, A bill to be entitled "An Act permitting certain moneys appropriated to the several Departments and Agencies for classified salaries and wages, to be used for the purpose of granting merit salary increases; establishing controls and reporting procedures to limit such expenditures; limiting the effect of this Act to the biennium ending August 31, 1967; and declaring an emergency."

S. B. No. 236, A bill to be entitled "An Act creating the State of Texas

Commission on Law Enforcement Officer Standards and Education; etc., and providing the effective date of the act."

S. J. R. No. 44, Proposing an amendment to Sections 2, 3, and 25 of Article III of the Constitution of the State of Texas so as to provide for an increase in the membership of the State Senate from 31 to 39 members, to fix the membership in the House of Representatives at 150 members, to increase the length of senator's terms from four to six years, to require apportionment of the senate according to population, and to delete the limitation that no single county is entitled to more than one Senator.

S. J. R. No. 33, Proposing an amendment to Section 6, Article XVI, Constitution of the State of Texas, to authorize the state to make grants of public funds to private non-sectarian associations, groups and corporations for establishing and equipping facilities to assist the physically and mentally handicapped to become remuneratively employable."

S. J. R. No. 4, Proposing an Amendment to the Constitution of the State of Texas so as to authorize the Texas Legislature to provide a system of Retirement, Disability and Death benefits for the officials and employees of the various counties, or other political subdivisions of the State or the political subdivisions of any county; providing that this Amendment shall not repeal or amend Subsection (b) of Section 62 of Article XVI of the Texas Constitution.

S. B. No. 576, A bill to be entitled "An Act amending Section 1b of Chapter 501, Acts of the 57th Legislature, Regular Session, 1961, relating to sale of certain land to the City of Texas City to provide for leasing of the land; and declaring an emergency."

S. B. No. 579, A bill to be entitled "An Act relating to the salaries of the official shorthand reporters of the 30th, 78th, and 89th Judicial Districts; and declaring an emergency."

S. B. No. 580, A bill to be entitled "An Act appropriating money to the Central Education Agency for each year of the biennium (1965-66, 1966-

67) to be used to the extent required to pay salary increases to teachers employed in State School for the Deaf, Texas School for the Blind, and Texas Blind and Deaf School in line with authorization and conditions set out in House Bill No. 12, Acts 59th Legislature, Regular Session, 1965, Article IV, Section 2; and declaring an emergency."

Signed, subject to provisions of Section 49A of Article III of Constitution of State of Texas.

S. B. No. 583, A bill to be entitled "An Act relating to application fees for hairdressers and cosmetologists and for manicurists, and to the disposition of the fees; amending Sections 4(a) and 13, Chapter 116, General Laws, Acts of the 44th Legislature, Regular Session, 1935, as amended; and declaring an emergency."

S. B. No. 585, A bill to be entitled "An Act authorizing the Harlingen Trade Zone, Inc., to establish, operate and maintain a foreign trade zone adjacent to Harlingen, Cameron County, Texas, and other sub-zones; authorizing the Harlingen Trade Zone, Inc., to apply to the Foreign Trade Zone Board, Washington, D. C., for a grant to permit the establishment, operation and maintenance of the foreign trade zone and sub-zones in accordance with federal laws and the regulations of the Federal Trade Zones Board; authorizing the acceptance of such grant; and declaring an emergency."

S. B. No. 575, A bill to be entitled "An Act to provide an additional adjustment in the local fund assignment in any school district having five per cent (5%) or more of its total scholastic population for the preceding school year composed of students who are residents of tax-exempt institutions for orphan, dependent, and neglected children; providing a formula for determining such adjustment; providing for the reporting of certain information to the Central Education Agency; and declaring an emergency."

S. B. No. 587, A bill to be entitled "An Act relating to the creation, establishment, maintenance and operation of a hospital district in accordance with the provisions of Sec-

tion 9 of Article IX of the Constitution of the State of Texas, to be known as the Gray County Hospital District with boundaries coextensive with the boundaries of Gray County, Texas; defining its purposes; providing for its administration, operation, financing, taxing powers and liabilities; prescribing procedures; providing for severability; reciting proof of publication of constitutional notice; and declaring an emergency."

**Motion to Adopt Conference
Committee Report on
House Bill 97**

Senator Patman moved that the Conference Committee Report on H. B. No. 97 be adopted.

Senator Hardeman moved as a substitute motion that further consideration of the Conference Committee Report on H. B. No. 97 be postponed until 4:30 o'clock p.m. on Monday, May 31, 1965.

Question on the substitute motion to postpone further consideration of Conference Committee Report on H. B. No. 97 until 4:30 o'clock p.m. on Monday, May 31, 1965, Yeas and Nays were demanded.

The motion to postpone was lost by the following vote:

Yeas—12

Blanchard	Krueger
Calhoun	Moore
Cole	Parkhouse
Colson	Ratliff
Creighton	Reagan
Hardeman	Word

Nays—17

Aikin	Patman
Bates	Richter
Dies	Rogers
Hall	Schwartz
Harrington	Snelson
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	

Absent

Crump	Hightower
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**Senate Joint Resolution 39 on
Second Reading**

On motion of Senator Kennard and by unanimous consent, the regular

order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. J. R. No. 39, Proposing an amendment to Section 18, Article VII, Constitution of the State of Texas, to transfer Arlington State College from the Texas A & M University System to The University of Texas System for building and permanent improvement financing purposes.

The resolution was read second time.

Senator Kennard offered the following amendment to the resolution:

Amend S. J. R. No. 39 as follows:

(1) Delete "Arlington State College at Arlington," appearing on page 1, line 46 of the printed resolution.

(2) Substitute the word "and" for the comma between "The Main University" and "Texas Western College" on page 1, line 59; and delete "and Arlington State College," appearing on lines 59 and 60 of the same page.

(3) Strike all above the resolving clause and substitute the following:

"A Joint Resolution, Proposing an amendment to Section 18, Article VII, Constitution of the State of Texas, to withdraw Arlington State College from participation in the Permanent University Fund."

(4) Delete the language appearing on lines 33 through 40 of page 2 and substitute the following:

"FOR the constitutional amendment withdrawing Arlington State College from participation in the Permanent University Fund.

"A G A I N S T the constitutional amendment withdrawing Arlington State College from participation in the Permanent University Fund."

The amendment was read and was adopted.

On motion of Senator Kennard and by unanimous consent the caption was amended to conform to the body of the resolution as amended.

The resolution as amended was passed to engrossment.

**Senate Joint Resolution 39 on
Third Reading**

Senator Kennard moved that the

Constitutional Rule and Senate Rule 32 requiring resolutions to be read on three several days be suspended and that S. J. R. No. 39 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—31

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 181, Directing the Enrolling Clerk of the Senate to make certain corrections in the Conference

Committee Report on Senate Bill No. 405.

H. B. No. 1167, A bill to be entitled "An Act making an appropriation for a new state mental hospital and research institute; making an appropriation to the University of Houston for a science and research building; and declaring an emergency."

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Bill on First Reading

The following bill received from the House, was read the first time and referred to the Committee indicated:

H. B. No. 1167, To the Committee on Counties, Cities and Towns.

Motion to Set as Special Order Conference Committee Report on House Bill 97

Senator Patman asked unanimous consent to set for Special Order at 11:00 o'clock a.m. on Monday, May 31, 1965, the Conference Committee Report on H. B. No. 97.

There was objection.

At Ease

On motion of Senator Crump and by unanimous consent the Senate at 10:41 o'clock p.m. agreed to stand at Ease Subject to the Call of the Chair.

In Legislative Session

The President called the Senate to order as In Legislative Session at 10:43 o'clock p.m.

Report of Standing Committee

Senator Snelson by unanimous consent submitted the following report:

Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns to which was referred H. B. No. 1167, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SNELSON, Vice Chairman,

House Bill 1167 Ordered Not Printed

On motion of Senator Aikin and by unanimous consent H. B. No. 1167 was ordered not printed.

House Bill 1167 on Second Reading

Senator Aikin moved that Senate Rules 13, 32 and 38 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 1167 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Kazen
Bates	Kennard
Blanchard	Krueger
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word

Absent

Hall	Schwartz
Moore	

The President then laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 1167, A bill to be entitled "An Act making an appropriation for a new mental hospital at the University of Houston, etc., and declaring an emergency."

The bill was read the second time and was passed to third reading.

House Bill 1167 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the President laid H. B. No. 1167 before the Senate on its third reading and final passage.

The bill was read the third time and was passed.

Bills Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills:

S. B. No. 555, A bill to be entitled "An Act authorizing and directing the Board for Texas State Hospitals and Special Schools or such agency as may hereafter have control and management of said property to execute and deliver to the City of Galveston an easement to a tract of land in Galveston County for the purpose of installing, constructing, building, maintaining and operating, a package type sewer treatment plant on and over land owned by the State of Texas for the use and benefit of the Moody State School for Cerebral Palsied Children; and declaring an emergency."

S. B. No. 560, A bill to be entitled "An Act validating Prairie View Municipal Utility District of Waller County, Texas, etc., and declaring an emergency."

S. B. No. 406, A bill to be entitled "An Act to amend Article 1.11 of Chapter 1, Title 122A, Taxation-General, Revised Civil Statutes of Texas, same being Article 1.11 of Section 1 of Chapter 1, Acts 1959, 56th Legislature, Third Called Session (compiled by Vernon as Article 1.11 of said Title 122A, Taxation-General), to make the tax credits there provided for assignable under certain conditions and to extend the time of their expiration; for repeal of all conflicting laws, for severability and declaring an emergency."

S. B. No. 221, A bill to be entitled "An Act to amend Article 5949 of the Revised Civil Statutes of Texas, 1925, as amended by the Notary Public Act of 1943; the amendment relates to the time of re-appointment and the period of re-qualifying of Notaries Public; repealing all laws in conflict; providing for severability; and declaring an emergency."

S. B. No. 190, A bill to be entitled "An Act amending Section 1 of Article III in Senate Bill 116, Chapter 334, Acts 51st Legislature, 1949, as amended (compiled as Article 2922-13, Section 1, Vernon's Texas Civil Statutes), by adding thereto a new sub-

section to be designated as (4A), to provide for an annual exceptional children transportation cost allotment to school districts operating approved exceptional children programs determinable on a prescribed per capita pupil basis and/or formula and subject to certain limitations; providing same shall be paid out of the Foundation School Fund as a part of the Foundation School Program; etc., and declaring an emergency."

S. B. No. 493, A bill to be entitled "An Act to amend Subsection B4, Section 5, Chapter 352, Acts of the 50th Legislature, 1947 (compiled as Subsection B4, Section 5, Article 6228a, Vernon's Texas Civil Statutes), as amended, to permit re-employment by the State of retired appointive officers or employees on a limited part-time or consulting basis without loss of benefits under the Employees Retirement System; providing a severability clause; and declaring an emergency."

S. B. No. 534, A bill to be entitled "An Act to amend Article 6.04 of Chapter 205, Acts of the 57th Legislature, 1961, and Chapter 451, Acts of the 58th Legislature, Regular Session, 1963, compiled as Article 1302-6.04 in Vernon's Revised Civil Statutes of Texas as a part of the Uniform Stock Transfer Act, to provide that when shares are registered on the books of a corporation in the names of two or more persons as joint owners, with the right of survivorship, the surviving joint owner shall have the power to transfer title to such shares and receive dividends thereon; etc., and declaring an emergency."

S. B. No. 166, A bill to be entitled "An Act to recognize HemisFair 1968; to provide State support and participation therein; to provide a permanent structure therein for post-fair use by the State of Texas; appropriating \$7,500,000 for these purposes; and declaring an emergency."

Signed, Subject to provisions of Section 49A of Article III of the Constitution of State of Texas.

S. B. No. 167, A bill to be entitled "An Act prohibiting the purchase, attempted purchase, consumption, possession or transportation of alcoholic beverages by minors, with certain ex-

ceptions; amending Subsection (14), Section 17, Article I, Texas Liquor Control Act, as amended; and declaring an emergency."

At Ease

The President announced at 10:50 o'clock p.m. that the Senate would stand At Ease Subject to Call of the Chair.

In Legislative Session

The President called the Senate to order as In Legislative Session at 10:57 o'clock p.m.

Senate Resolution 825

Senator Parkhouse by unanimous consent offered the following resolution:

Be It Resolved, By the Senate of Texas that the Senate Enrolling Clerk be directed to correct S. B. No. 146, Sec. 9, page 24, by changing the word and figures "Chapter 425" following the word and figure "Section 2" to read: "Chapter 49."

The resolution was read and was adopted.

Senate Resolution 826

Senator Parkhouse by unanimous consent offered the following resolution:

Be It Resolved By the Senate of Texas that the Senate Enrolling Clerk be directed to correct S. B. 145, Sec. 8, page 5, subsection (b) by changing the word and figure "Chapter 49" therein to read: "Chapter 39."

The resolution was read and was adopted.

At Ease

The President at 11:03 o'clock p.m. announced that the Senate would stand At Ease Subject to Call of the Chair.

In Legislative Session

The President called the Senate to order as In Legislative Session at 11:16 o'clock p.m.

At Ease

The President announced at 11:18 o'clock p.m. that the Senate would stand At Ease Subject to the Call of the Chair.

In Legislative Session

The President called the Senate to order as In Legislative Session at 11:35 o'clock p.m.

(Senator Dies in the Chair.)

The Presiding Officer announced at 11:36 o'clock p.m. that the Senate would stand At Ease Subject to the Call of the Chair.

In Legislative Session

The President called the Senate to order as In Legislative Session at 11:40 o'clock p.m.

Bills and Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

H. B. No. 944, A bill to be entitled "An Act placing all state -owned air craft under control of the Governor, etc., and declaring an emergency."

Signed, subject to provisions of Section 49A of Article III of the Constitution of the State of Texas.

H. C. R. No. 30, Memorializing Congress to retain right-to-work laws.

H. C. R. No. 73, Requesting the Legislative Council to study county, city and State government in Texas.

H. C. R. No. 175, Directing the Enrolling Clerk to make certain corrections in H. B. No. 114.

H. B. No. 157, A bill to be entitled "An Act amending Chapter 75, Acts of the Regular Session of the 50th Legislature (relating to the Texas Municipal Retirement System), as heretofore amended, in the following particulars; amending paragraph (i), Subsection 1 of Section IV and paragraph (a), Subsection 2 of Section IV of said Act; and declaring an emergency."

H. B. No. 195, A bill to be entitled "An Act apportioning the State of Texas into Representative Districts, etc., and declaring an emergency."

H. B. No. 362, A bill to be entitled "An Act designating the Texas State Department of Health as the State Air Pollution Control Agency, prescribing its functions, powers and

duties; establishing the Air Pollution Control Advisory Board; providing for co-operative control of air-pollution in cities and counties; defining terms; providing for hearings; providing for the adoption of rules and regulations; providing for conference, conciliation and persuasion; providing for penalties; providing a repealing clause; a saving clause; and declaring an emergency."

H. B. No. 444, A bill to be entitled "An Act amending Sections 3, 5, 6, 12, 13, 14 and 17, of Senate Bill No. 44, Acts of the 48th Legislature, Regular Session, 1943, Chapter 204, page 313, as amended (codified as Article 2338-1, Vernon's Texas Civil Statutes); providing for transfers of certain cases in Juvenile Courts from the jurisdiction of Juvenile Courts to the jurisdiction of the other courts in this State, etc., and declaring an emergency."

H. B. No. 450, A bill to be entitled "An Act repealing Art. 614, Penal Code relating to persons engaging in roping contest, etc., and declaring an emergency."

H. B. No. 591, A bill to be entitled "An Act amending Article 8308, Revised Civil Statutes, 1925, the same being Part 3 of the Workmen's Compensation Law, as said Article 8308 has been heretofore amended, by adding thereto as Section 18 a new provision authorizing any employer voluntarily, by subscription of proper insurance, to extend Workmen's Compensation benefits to any employee or classification of employees not presently covered and not excluded from coverage by federal law and to provide that any employee so insured shall be held to have waived his right of action at common law or under any statute of this State to recover damages for injuries sustained in the course of his employment if he shall not have given his employer notice that he claimed such right in accordance with the provisions of Article 8306, Section 3a; providing that in the event of conflict with the provisions of any other law, the provisions hereof shall take precedent and prevail to the extent of such conflict; providing a savings clause; and declaring an emergency."

H. B. No. 647, A bill to be entitled "An Act authorizing the board of trustees of a common school district,

under certain circumstances, to proceed in the assessment, equalization and collection of taxes in the manner provided by law for independent school districts; and declaring an emergency."

H. B. No. 785, A bill to be entitled "An Act to amend the State Water Pollution Control Board Act, Acts 1961, 57th Legislature, 1st C. S., p. 156, Chapter 42, compiled as Article 7621d, Vernon's Annotated Civil Statutes, to clarify the duties, responsibilities and authority of designated personal representatives of Board members; to provide for Board membership; to clarify the responsibilities of the Railroad Commission as a member of the Board; providing for severability; and declaring an emergency."

H. B. No. 779, A bill to be entitled "An Act relating to the disposition of the balance of retirement contributions of a deceased retired judge; amending Chapter 99, Acts of the 51st Legislature, Regular Session, 1949, as amended; and declaring an emergency."

H. B. No. 1038, A bill to be entitled "An Act relating to the creation, organization, powers, and functions of a conservation and reclamation district in Mason County; and declaring an emergency."

H. B. No. 1059, A bill to be entitled "An Act relating to the creation of an underground water conservation district in Schleicher County, etc., and declaring an emergency."

H. B. No. 1138, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI, Constitution of Texas, to be known as 'Blue Water Municipal Utility District of Brazoria County, Texas,' etc., and declaring an emergency."

House Concurrent Resolution 183 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 183, Directing the Enrolling Clerk to make corrections in Senate Amendment to H. B. No. 114.

The resolution was read.

By unanimous consent the resolu-

tion was considered immediately and was adopted.

Conference Committee Report on House Bill 67

Senator Crump submitted the following Conference Committee Report on H. B. No. 67:

Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Hon. Ben Barnes, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the House and Senate on House Bill 67, have met and adjusted our differences and beg leave to recommend that House Bill No. 67 be passed in the form attached hereto.

Respectfully submitted,

CRUMP
DIES
HALL
KAZEN

On the part of the Senate.

MUTSCHER
FLOYD
GIBBENS
PARSLEY
SHANNON

On the part of the House.

H. B. No. 67,

A BILL

To Be Entitled

"An Act to apportion the State of Texas into Congressional Districts, naming the counties and parts of counties composing the districts, providing for the election of a Member of the Congress of the United States from each district; repealing Chapter 286, Acts of the 55th Legislature, Regular Session, 1957; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. The State of Texas is apportioned into Congressional Districts as provided in the following sections. Each district is entitled to elect one Member to the House of Representatives of the Congress of the United States.

Sec. 2. District 1 is composed of Bowie, Camp, Cass, Cherokee, Delta, Franklin, Harrison, Hopkins, Lamar, Marion, Morris, Panola, Red River,

Rusk, Shelby, Titus, and Wood Counties.

Sec. 3. District 2 is composed of Anderson, Angelina, Hardin, Henderson, Houston, Jasper, Liberty, Montgomery, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, and Walker Counties.

Sec. 4. District 3 is composed of that part of Dallas County included in the following:

Beginning at the point where the Elm Fork of the Trinity River intersects the common line between Dallas and Denton Counties;

Then south along the Elm Fork of the Trinity River to Valley View Lane;

Then east along Valley View Lane to the Missouri, Kansas and Texas Railroad;

Then north along the Missouri, Kansas and Texas Railroad to Valwood Parkway;

Then east along Valwood Parkway to Webb's Chapel Road;

Then north along Webb's Chapel Road to Crosby Road;

Then east along Crosby Road to Webb's Chapel Road;

Then north along Webb's Chapel Road to Belt Line Road;

Then east along Belt Line Road to Marsh Lane;

Then south along Marsh Lane to Spring Valley Road;

Then east along Spring Valley Road to Dooley Road;

Then south along Dooley Road to Valley View Lane;

Then east along Valley View Lane to Inwood Road;

Then south along Inwood Road to Mockingbird Lane;

Then east along Mockingbird Lane to the west city limit line of Highland Park;

Then south and east along the south city limit line of Highland Park to the Missouri, Kansas and Texas Railroad;

Then southwest along the Missouri, Kansas and Texas Railroad to Fitzhugh Avenue;

Then southeast along Fitzhugh Avenue to Central Expressway;

Then south along Central Expressway to the G. C. & S. F. Railroad;

Then southwest along the G. C. & S. F. Railroad, crossing the Trinity River to Corinth Street;

Then south along Corinth Street to Lancaster Road (State Highway No. 342);

Then south along Lancaster Road to Cedardale Road, and the common city limit line between Dallas and Lancaster;

Then west, north, west, south and west, along said common city limit line between Dallas and Lancaster to Beckley Avenue (U. S. Highway No. 77);

Then south along Beckley Avenue to the south city limit line of the City of Dallas;

Then west, north and west along the city limit line of Dallas to U. S. Highway No. 67;

Then southwest along U. S. Highway No. 67 to the north city limit line of Cedar Hill;

Then west, north and west along the north line of Cedar Hill to Clark Road, and the common line between the City of Cedar Hill and the City of Dallas 10.0 foot strip as established by City of Dallas Ordinance No. 9925 on August 19, 1963;

Then south, west, northwest and southwest along the common city limit line between the City of Dallas and Cedar Hill to Belt Line Road;

Then northwest along Belt Line Road to Walnut Creek;

Then west along Walnut Creek to the Dallas-Tarrant County line;

Then north and east along the Dallas County line to the Elm Fork of the Trinity River, the point of origin.

Sec. 5. District 4 is composed of Collin, Fannin, Grayson, Gregg, Hunt, Kaufman, Rains, Rockwall, Smith, Upshur, and Van Zandt Counties.

Sec. 6. District 5 is composed of that part of Dallas County included in the following:

Beginning at the intersection of the north line of Dallas County and Jupiter Road, same being the common line between Commissioners Districts Nos. 1 and 2, and the present east line of the City of Richardson.

Then south on Jupiter Road and said Commissioners District line to Buckingham Road;

Then west along Buckingham Road to an inner corner of the City of Dallas city limit line, a point about one-fourth mile west of Plano Road;

Then south and east with the common city limit line between Dallas and Garland to Groves Road;

Then west along Groves Road and

Northwest Highway to Inwood Road;
Then south along Inwood Road to Mockingbird Lane;

Then east along Mockingbird Lane to the west city limit line of Highland Park;

Then south and east along the city limit line of Highland Park to the Missouri, Kansas and Texas Railroad;

Then southwest along the Missouri, Kansas and Texas Railroad to Fitzhugh Avenue;

Then southeast along Fitzhugh Avenue to Central Expressway;

Then south along Central Expressway to the G. C. and S. F. Railroad;

Then southwest along the G. C. and S. F. Railroad, crossing the Trinity River to Corinth Street;

Then south along Corinth Street to Lancaster Road (State Hwy. No. 342);

Then south along Lancaster Road to Simpson Stewart Road;

Then northeast along Simpson Stewart Road and its extension to the Trinity River;

Then east along the Trinity River and common line between Commissioners Districts Nos. 2 and 3, to the east line of the G. Marcum Survey, Abstract No. 980;

Then north along the east line of G. Marcum Survey, Abstract No. 980, and said Commissioners District line to Fairport Road extended west;

Then east, to and along Fairport Road, continuing along said Commissioners District line, to Dowdy Ferry Road;

Then north along Dowdy Ferry Road and Pleasant Drive, continuing along said Commissioners District line, to Elam Road;

Then west along Elam Road to Buckner Boulevard;

Then north along Buckner Boulevard to Bruton Road;

Then east along Bruton Road to the common line between Dallas and Balch Springs (a point east of Cheyenne Road);

Then south along the common city limit line between Dallas and Balch Springs to Lake June Road;

Then east, northeast and east along Lake June Road to Pioneer Road;

Then north along Pioneer Road to Cartwright Road;

Then east along Cartwright Road to Euland Drive;

Then northeast along Euland Drive to Mesquite Valley Road;

Then south and east along Mesquite Valley Road to North Mesquite Creek;

Then north along North Mesquite Creek to the Texas & Pacific Railroad;

Then east along the Texas & Pacific Railroad, to the east line of Dallas County;

Then north along the east line of Dallas County to its northeast corner;

Then west along the north line of Dallas County to Jupiter Road, the point of origin.

Sec. 7. District 6 is composed of Brazos, Ellis, Freestone, Grimes, Hill, Johnson, Leon, Madison, and Navarro Counties; and

(1) that part of Dallas County south of a line beginning at the intersection of the east line of Dallas County and the Texas and Pacific Railroad;

Then west along the Texas and Pacific Railroad to North Mesquite Creek;

Then south along North Mesquite Creek to Mesquite Valley Road;

Then west along Mesquite Valley Road to Euland Drive;

Then southwest along Euland Drive to Cartwright Road;

Then west along Cartwright Road to Pioneer Road;

Then south along Pioneer Road to Lake June Road;

Then west, southwest, and west along Lake June Road to the common city limit between Dallas and Balch Springs;

Then north along the common city limit between Dallas and Balch Springs to Bruton Road;

Then west along Bruton Road to Buckner Boulevard;

Then south along Buckner Boulevard to Elam Road;

Then east along Elam Road to Pleasant Drive;

Then south along Pleasant Drive and Dowdy Ferry Road to Fairport Road;

Then west along Fairport Road and its extension to the east line of G. Marcum Survey, Abst. No. 980;

Then south along the east line of G. Marcum Survey, Abst. No. 980 to the Trinity River;

Then west along the Trinity River to its intersection with the prolongation of Simpson Stewart Road;

Then southwest along Simpson Stewart Road to Lancaster Road;

Then south along Lancaster Road to Cedardale Road and the common city limit line between Dallas and Lancaster;

Then west, northwest, south, and west along the common city limit line between Dallas and Lancaster to Beckley Avenue;

Then south along Beckley Avenue to the south city limit line of the City of Dallas;

Then west, north, and west along the city limit line of Dallas to U. S. Highway 67;

Then south along U. S. Highway 67 to the north city limit line of Cedar Hill;

Then west, north, and west along the north city limit line of Cedar Hill to Clark Road and the common city limit line between the City of Cedar Hill and the City of Dallas;

Then south, west, northwest and southwest along the common city limit line between the City of Dallas and Cedar Hill to Belt Line Road;

Then northwest along Belt Line Road to Walnut Creek;

Then west along Walnut Creek to the Dallas-Tarrant County line; and

(2) that part of Tarrant County south of a line beginning at the point where U. S. Highway 377 intersects the common line between Tarrant and Parker Counties;

Then northeast along U. S. Highway 377 to the city limits of Benbrook;

Then in a generally northeast direction along the western city limits of Benbrook to U. S. Highway 377;

Then northeast along U. S. Highway 377 to Edgehill Road;

Then south along Edgehill Road to Old Stove Foundry Road;

Then northeast along Old Stove Foundry Road to Bryant-Irvin Road to the Clear Fork of the Trinity River;

Then in a generally northeast direction along the Clear Fork of the Trinity River to the Eastern boundary of Forest Park;

Then southeast along the eastern boundary of Forest Park to Park Place;

Then east along Park Place to the Gulf, Colorado, and Santa Fe Railroad;

Then south along the Gulf, Colorado, and Santa Fe Railroad to Bowie Street;

Then east along Bowie Street to 8th Avenue;

Then south along 8th Avenue to Biddison Street;

Then east along Biddison Street to Hemphill Street;

Then south along Hemphill Street to Seminary Drive;

Then east along Seminary Drive to the city limits of Fort Worth;

Then east, northwest, and southeast along the city limits of Fort Worth to Wichita Street;

Then north along Wichita Street to Martin Street;

Then east along Martin Street to Miller Avenue;

Then north along Miller Avenue to Poly-Webb Road;

Then east along Poly-Webb Road to Interstate Highway 820;

Then northeast along Interstate Highway 820 to Willard Road;

Then east along Willard Road to the common city limits of Fort Worth and Arlington;

Then generally south, northeast and east along the western and southern city limits of Arlington to the city limits of Grand Prairie;

Then east along the southern city limits of Grand Prairie to its intersection with the common line of Tarrant and Dallas Counties.

Sec. 8. District 7 is composed of that part of Harris County including the following:

Beginning with the point where Willow Creek crosses the boundary of Harris and Montgomery counties westerly along the middle of Willow Creek with its meanders to the point where it intersects Kuykendahl Road;

Then southeasterly along Kuykendahl Road to the point where same enters U. S. Highway 75;

Then southerly along U. S. Highway 75 to the point where same is intersected by Greens Bayou;

Then easterly along the center of Greens Bayou with its meanders to the point where same intersects the right-of-way referred to as the I. & G. N. right-of-way (the Houston Belt and Terminal tracks generally parallel to Hardy Street);

Then along such railroad right-of-way to the point where the said tracts cross Buffalo Bayou;

Then up the center line of Buffalo Bayou in a westerly direction with its meanders to the point where same intersects Main Street;

Then southwesterly along Main Street to the point where the same intersects the T & N O Railroad;

Then southwesterly along the T & N O Railroad to the point where the same intersects Hillcroft Street;

Then southerly along Hillcroft Street to the point where the same enters U. S. Highway 90A;

Then southwesterly along U. S. Highway 90A to the point where the same intersects Blue Ridge Street;

Then southerly along Blue Ridge Street to the point where the same intersects the boundary between Harris and Ft. Bend Counties;

Then beginning in a northwesterly direction following the Harris County boundary to the point of origin.

Sec. 9. District 8 is composed of that part of Harris County included in the following:

Beginning with the point where Willow Creek crosses the boundary of Harris and Montgomery counties westerly along the middle of Willow Creek with its meanders to the point where it intersects Kuykendahl Road;

Then southeasterly along Kuykendahl Road to the point where same enters U. S. Highway 75;

Then southerly along U. S. Highway 75 to the point where same is intersected by Greens Bayou;

Then easterly along the center of Greens Bayou with its meanders to the point where same intersects the right-of-way referred to as the I & G N right-of-way (the Houston Belt and Terminal tracks generally parallel to Hardy Street);

Then along such railroad right-of-way to the point where the said tracks cross Buffalo Bayou;

Then up the center line of Buffalo Bayou in a westerly direction with its meanders to the point where same intersects Main Street;

Then southwesterly along Main Street to its intersection with Tuam Street;

Then southeasterly along Tuam Street to its intersection with Bastrop Street;

Then northeasterly along Bastrop Street to its intersection with McGowen Street;

Then Southeasterly along McGowen Street to the point where it is crossed by the Houston Belt and Terminal Railroad;

Then northeasterly along the Houston Belt and Terminal Railroad right-of-way to Interstate Highway 45 (sometimes known as the Gulf Freeway);

Then southeasterly along Interstate

Highway 45 (sometimes known as the Gulf Freeway) to Plum Creek;

Then northerly and easterly along Plum Creek with its meanders to its intersection with Sims Bayou;

Then northerly and easterly along Sims Bayou with its meanders to its intersection with the Houston Ship Channel;

Then easterly down the Houston Ship Channel to the Harris County boundary line;

Then following the Harris County boundary line following its east and north boundaries to the point of origin.

Sec. 10. District 9 is composed of Chambers, Fort Bend, Galveston, and Jefferson Counties and that part of Brazoria County included in the following:

Beginning at a point where the Brazos River intersects the common line between Brazoria and Fort Bend Counties;

Then south along the Brazos River to State Highway 35;

Then east along State Highway 35 to Farm Road 521;

Then north along Farm Road 521 to State Highway 288;

Then north along State Highway 288 to Farm Road 1462;

Then east along Farm Road 1462 to Chocolate Bayou;

Then south along Chocolate Bayou to Lost Bay;

Then south along Lost Bay to Chocolate Bay;

Then east along Chocolate Bay to West Bay;

Then east along West Bay to the Brazoria County line;

Then northwest and west along the Brazoria County line to the Brazos River, the point of origin.

Sec. 11. District 10 is composed of Austin, Bastrop, Burleson, Burnet, Caldwell, Colorado, Comal, Fayette, Hays, Lavaca, Lee, Travis, Waller, Washington, and Williamson Counties.

Sec. 12. District 11 is composed of Bell, Bosque, Coryell, Falls, Hood, Limestone, McLennan, Milam, Parker, Robertson, and Somervell Counties.

Sec. 13. District 12 is that part of Tarrant County not included in District 6.

Sec. 14. District 13 is composed of Archer, Baylor, Clay, Cooke, Denton, Dickens, Foard, Hardeman, Jack, Kent, King, Knox, Montague, Stonewall, Wichita, Wilbarger, Wise, and

Young Counties and that part of Dallas County included in the following:

Beginning at the point where the Elm Fork of the Trinity River intersects the common line between Dallas and Denton Counties;

Then south along the Elm Fork of the Trinity River to Valley View Lane;

Then east along Valley View Lane to the Missouri, Kansas and Texas Railroad;

Then north along the Missouri, Kansas and Texas Railroad to Valwood Parkway;

Then east along Valwood Parkway to Webbs Chapel Road;

Then north along Webbs Chapel Road to Crosby Road;

Then east along Crosby Road to Webbs Chapel Road;

Then north along Webbs Chapel Road to Belt Line Road;

Then east along Belt Line Road to Marsh Lane;

Then south along Marsh Lane to Spring Valley Road;

Then east along Spring Valley Road to Dooley Road;

Then south along Dooley Road to Valley View Lane;

Then east along Valley View Lane to Inwood Road;

Then south along Inwood Road to Northwest Highway;

Then east along Northwest Highway to Groves Road to the common city limit line between Dallas and Garland;

Then north, west, and north along the common city limit line between Dallas and Garland to Buckingham Road;

Then east along Buckingham Road to Jupiter Road;

Then north along Jupiter Road to the north line of Dallas County;

Then west along the Dallas County line to the Elm Fork of the Trinity River, the point of origin.

Sec. 15. District 14 is composed of Aransas, Calhoun, DeWitt, Jackson, Matagorda, Nueces, Refugio, Victoria, and Wharton Counties and that part of Brazoria County not included in District 9.

Sec. 16. District 15 is composed of Brooks, Cameron, Hidalgo, Jim Hogg, Kenedy, Kleberg, Starr, Willacy, and Zapata Counties.

Sec. 17. District 16 is composed of Brewster, Culberson, El Paso, Huds-
peth, Jeff Davis, Loving, Pecos, Pre-
sidio, Reeves, Terrell, Ward, and
Winkler Counties.

Sec. 18. District 17 is composed of Brown, Callahan, Coke, Coleman, Comanche, Concho, Eastland, Erath, Fisher, Glasscock, Hamilton, Haskell, Howard, Jones, Mills, Mitchell, Nolan, Palo Pinto, Runnels, Shackelford, Stephens, Sterling, Taylor, and Throckmorton Counties.

Sec. 19. District 18 is composed of Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hartley, Hemphill, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, and Wheeler Counties.

Sec. 20. District 19 is composed of Andrews, Borden, Cochran, Crosby, Dawson, Floyd, Gaines, Garza, Hale, Hockley, Lubbock, Lynn, Martin, Midland, Scurry, Terry, and Yoakum Counties.

Sec. 21. District 20 is composed of that part of Bexar County not included in Districts 21 and 23.

Sec. 22. District 21 is composed of Bandera, Blanco, Crane, Crockett, Ector, Edwards, Gillespie, Irion, Kendall, Kerr, Kimble, Kinney, Lampasas, Llano, McCulloch, Mason, Medina, Menard, Reagan, Real, San Saba, Schleicher, Sutton, Tom Green, Upton, Uvalde, and Val Verde Counties and that part of Bexar County included in the following:

Beginning at the point where Culebra Road intersects the common line between Bexar and Medina Counties;

Then southeast along Culebra Road to 38th Street;

Then south along 38th Street to Mayberry Street;

Then east along Mayberry Street to Camino Santa Maria;

Then north along Camino Santa Maria to Woodlawn Avenue;

Then east along Woodlawn Avenue to Saint Cloud Road;

Then north along Saint Cloud Road to Babcock Road;

Then northwest along Babcock Road to Danville Street;

Then northeast along Danville Street to the city limits of San Antonio;

Then northeast along the city limits of San Antonio to Spencer Lane;

Then east along Spencer Lane to Vance-Jackson Drive;

Then north along Vance-Jackson Drive to El Monte Boulevard;

Then east along El Monte Boulevard to West Avenue;

Then south along West Avenue to Mariposa;

Then east along Mariposa to San Pedro Avenue;

Then south along San Pedro Avenue to Norwood Court;

Then east along Norwood Court to the boundary line of Olmos Park;

Then south and east along the southern and north along the eastern boundary of Olmos Park to Olmos Dam;

Then northeast along Olmos Dam to the boundary of Alamo Heights;

Then south and east along the southern boundary of Alamo Heights to the boundary of Terrell Hills;

Then east along the southern and north along the eastern boundary of Terrell Hills to the northern boundary of Fort Sam Houston;

Then east along the northern and south along the eastern boundary of Fort Sam Houston to the Texas and New Orleans Railroad;

Then northeast along the Texas and New Orleans Railroad to the city limits of San Antonio;

Then north along the city limits of San Antonio to U. S. Highway 81;

Then northeast along U. S. Highway 81 to the common line between Guadalupe and Bexar Counties.

Then north, west, and south along the Bexar County line to Culebra Road, the point of origin.

Sec. 23, District 22 is composed of that part of Harris County included in the following:

Beginning at the intersection of the center line of Blue Ridge Street with the boundary line between Harris and Fort Bend counties;

Then northerly along Blue Ridge Street to the point where Blue Ridge Street enters U. S. Highway 90A;

Then in a northeasterly direction along U. S. Highway 90A to the point where Hillcroft Street enters U. S. Highway 90A;

Then northerly along Hillcroft Street to the point where the same intersects the T&NO Railroad right-of-way;

Then in a northeasterly direction along the T&NO Railroad to the point where the same intersects Main Street;

Then northeasterly along Main Street to its intersection with Tuam Street;

Then southeasterly along Tuam Street to its intersection with Bastrop Street;

Then northeasterly along Bastrop

Street to its intersection with McGowen Street;

Then southeasterly along McGowen Street to the point where it is crossed by the Houston Belt and Terminal Railroad;

Then northeasterly along the Houston Belt and Terminal Railroad right-of-way to Interstate Highway 45 (sometimes known as the Gulf Freeway);

Then southeasterly along Interstate Highway 45 (sometimes known as the Gulf Freeway) to Plum Creek;

Then northerly and easterly along Plum Creek with its meander to its intersection with Sims Bayou;

Then northerly and easterly along Sims Bayou with its meander to its intersection with the Houston Ship Channel;

Then easterly down the Houston Ship Channel to the Harris County boundary line;

Then following the Harris County boundary line southerly and westerly to the point of origin.

Sec. 24. District 23 is composed of Atascosa, Bee, Dimmit, Duval, Frio, Goliad, Gonzales, Guadalupe, Jim Wells, Karnes, LaSalle, Live Oak, Maverick, McMullen, San Patricio, Webb, Wilson, and Zavala Counties and that part of Bexar County included in the following:

Beginning at the point where Culebra Road intersects the common line between Bexar and Medina Counties;

Then southeast along Culebra Road to 38th Street;

Then south along 38th Street to Castroville Road;

Then southwest along Castroville Road to the boundary of Lackland Air Force Base;

Then south and west along the southern boundary of Lackland Air Force Base to Kelly Field;

Then east along the southern boundary of Kelly Field to the city limits of San Antonio;

Then north along the city limits of San Antonio to Military Road;

Then east along Military Road to Somerset Road;

Then northeast along Somerset Road to Southcross Boulevard;

Then east along Southcross Boulevard to Commercial Boulevard;

Then south along Commercial Boulevard to Military Road;

Then east along Military Road to Pleasanton Road;

Then south along Pleasanton Road to Ware Street;

Then east along Ware Street to Flores Street;

Then south along Flores Street to Airport Road;

Then east along Airport Road to Roosevelt Avenue;

Then north along Roosevelt Avenue to Military Highway;

Then southeast along Military Highway to the boundary of Brooks Air Force Base;

Then south along the western, east along the southern, and north along the eastern boundary of Brooks Air Force Base to Goliad Road;

Then north along Goliad Road to Hot Wells Avenue;

Then west along Hot Wells Avenue to Clark Avenue;

Then north along Clark Avenue to Grover Street;

Then east along Grover Street to Dollarhide Street;

Then north along Dollarhide Street to Hiawatha Street;

Then east along Hiawatha Street to Elgin Street;

Then north along Elgin Street to Villa Real Street;

Then east along Villa Real Street to Mozart Street;

Then north along Mozart Street to Hicks Avenue;

Then east along Hicks Avenue to Amanda Avenue;

Then north along Amanda Avenue to Rigsby Avenue;

Then east along Rigsby Avenue to Artesia Avenue;

Then north along Artesia Avenue to Nebraska Street;

Then west along Nebraska Street to the Missouri, Kansas and Texas Railroad;

Then north along the Missouri, Kansas and Texas Railroad to the boundary to Fort Sam Houston;

Then north along the eastern boundary of Fort Sam Houston to the Texas and New Orleans Railroad;

Then northeast along the Texas and New Orleans Railroad to the city limits of San Antonio;

Then north along the city limits of San Antonio to U. S. Highway 81;

Then northeast along U. S. Highway 81 to the common line between Bexar and Guadalupe Counties;

Then south, west, and north along the Bexar County line to Culebra Road, the point of origin.

Sec. 25. Wherever in this Act reference is made to a city limit it

means the city limit as it existed in 1960 as reflected in census tract maps prepared and published by the United States Bureau of the Census. Wherever a street, highway, road, drive, avenue, railroad, or other identification is named to define the boundary of a district it means the center line of the boundary identification. Wherever a street or other boundary identification is described as intersecting another street or boundary identification and they do not actually intersect, the named streets or boundary identifications shall be extended so as to intersect one another.

Sec. 26. Chapter 286, Acts of the 55th Legislature, Regular Session, 1957 (Article 197a, Vernon's Texas Civil Statutes), is repealed.

Sec. 27. Nothing in this Act shall affect the tenure in office of the present delegation in Congress, but this Act takes effect for the General Election in 1966, and thereafter until this law is changed by the Legislature of this state.

Sec. 28. The importance of this legislation and the crowded condition of the calendar in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and the Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read.

Question — Shall the Conference Committee Report on H. B. No. 67 be adopted?

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to H. J. R. No. 13 by vote of 137 ayes, 1 noe.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

(Sunday, May 30, 1965)

**House Concurrent Resolution 182
on Second Reading**

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 182, Directing the Enrolling Clerk to make clerical corrections in the Conference Committee Report on S. B. No. 107.

The resolution was read.

By unanimous consent the resolution was considered immediately and was adopted.

Bills Signed

The President signed in the presence of the Senate after the captions had been read, the following enrolled bills:

S. B. No. 59, A bill to be entitled "An Act amending Chapter III, Article 12; Chapter IV, Article 1; Chapter IV, Article 6, as amended; Chapter V, Article 3; Chapter V, Article 5; Chapter V, Article 6; Chapter V, Article 8; all of said chapters and articles being a part of the Texas Banking Code of 1943, same being Chapter 97, Acts of the 48th Legislature, Regular Session, 1943; amending Subsection (c) of Section 2, Article 4 as contained in Section 4 of Acts, 58th Legislature, Regular Session, Chapter 81, Page 134, codified as Subsection (c) of Section 2, Article 342-504, Vernon's Texas Civil Statutes (a part of Article 4, Chapter V, of the Texas Banking Code of 1943, as amended); amending Section 1c, Acts 1955; 54th Legislature, Regular Session, Chapter 16, Page 19, as amended; and transferring the provisions of Acts 1955, 54th Legislature, Regular Session, Chapter 16, Page 19, as amended (now codified as Article 4591d, Vernon's Texas Civil Statutes), making the same a part of Chapter IX of the Texas Banking Code of 1943, to be designated as Article 10a thereof; etc., and declaring an emergency."

S. B. No. 107, A bill to be entitled "An Act establishing and adopting a Code of Criminal Procedure for the State of Texas by revising and rearranging the statutes of this State which pertain to the trial of criminal cases, and by making various

changes in, omissions from, and additions to such statutes; and declaring an emergency."

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has adopted the Conference Committee Report on House Bill No. 67 by a vote of 85 ayes, 55 noes.

The House has adopted the Conference Committee Report on S. B. No. 457 by a vote of 137 ayes, 2 noes.

The House has adopted the Conference Committee Report on S. B. No. 405 by a vote of 142 ayes, 1 noe.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

**Conference Committee Report on
House Bill 67**

The Senate resumed the consideration of the pending business, same being the Conference Committee Report on H. B. No. 67.

Question—Shall the Conference Committee Report on H. B. No. 67 be adopted?

Senator Patman moved the previous question on the adoption of the Conference Committee Report on H. B. No. 67, and the motion was duly seconded.

Question—Shall the previous question now be ordered?

The previous question was ordered by the following vote:

Yeas—18

Aikin	Hazlewood
Bates	Herring
Blanchard	Hightower
Cole	Kazen
Dies	Moore
Hall	Patman

Ratliff	Strong
Richter	Watson
Rogers	Word

Nays—13

Calhoun	Krueger
Colson	Parkhouse
Creighton	Reagan
Crump	Schwartz
Hardeman	Snelson
Harrington	Spears
Kennard	

Question on adoption of the Conference Committee Report on H. B. No. 67, Yeas and Nays were demanded.

The Conference Committee Report on H. B. No. 67 was adopted by the following vote:

Yeas—18

Aikin	Hightower
Bates	Kazen
Blanchard	Kennard
Cole	Moore
Crump	Patman
Dies	Ratliff
Hall	Snelson
Hazlewood	Watson
Herring	Word

Nays—12

Calhoun	Reagan
Colson	Richter
Creighton	Rogers
Harrington	Schwartz
Krueger	Spears
Parkhouse	Strong

Absent

Hardeman

Memorial Resolution

S. R. No. 819—By Senator Hazlewood: Memorial resolution for Dean Kirk.

Welcome and Congratulatory Resolutions

S. R. No. 814—By Senator Snelson: Extending congratulations to Midland City Officials and Globe Exploration Company, Inc., on establishment of Regional Data Processing Center.

S. R. No. 816—By Senator Word: Extending congratulations to George Sparkman, school bus driver of Stephenville, on being selected Outstanding School Bus Driver of the Year of Erath County.

S. R. No. 817—By Senator Harrington: Extending welcome to Dale Kilpatrick, et al. of Beaumont.

S. R. No. 818—by Senator Krueger: Extending welcome to Mr. and Mrs. W. G. West et al.

S. R. No. 820—By Senator Snelson: Extending welcome to Mr. and Mrs. George Buch of Houston.

S. R. No. 821—By Senator Snelson: Extending welcome to Mrs. E. M. Evans and children of Midland.

S. R. No. 822—By Senator Harrington: Extending welcome to Mr. and Mrs. Ben Graylino and children of Port Arthur.

S. R. No. 823—By Senator Watson: Extending welcome to Mr. and Mrs. W. B. Myrick, et al.

S. R. No. 824—By Senator Strong: Extending congratulations to John Adams, "Mr. John" of Rusk County, on his 89th birthday.

Adjournment

On motion of Senator Aikin the Senate at 1:56 o'clock a.m. adjourned until 10:30 o'clock a.m. on Monday, May 31, 1965.

APPENDIX**Reports of Standing Committee**

Senator Hardeman submitted the following reports:

Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. J. R. No. 19, A Joint Resolution proposing an amendment to Section 49-d, Article III of the Constitution of the State of Texas, declaring state policy regarding optimum development of water reservoirs; providing for the use of the Texas Water Development Fund under such conditions as the Legislature may prescribe by General Law in the acquisition and development of storage facilities and any system of works properly appurtenant thereto; providing for the sale, lease or transfer of such facilities under General Laws; providing for

long-term contracts for water storage facilities; authorizing the issuance of an additional \$200,000,000 in bonds by the Texas Water Development Board upon a two-thirds ($\frac{2}{3}$) vote of the elected members of each house; providing that anticipatory legislation shall not be invalid because of its anticipatory character; providing for the necessary election, form of ballot; and proclamation and publication.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 58, An Act amending Section 24 of House Bill No. 407, Chapter 4, page 602 of the General Laws, Acts of the 46th Legislature, Regular Session, 1939 to provide for a right of survivorship agreement between husband and wife, to provide for the issuance of the certificate of title in the name of both; amending Section 35 of the same House Bill No. 407, relating to the issuance of a new certificate of title upon the transfer of title by operation of law; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. J. R. No. 44, A Joint Resolution proposing an Amendment to Sections 2 and 25 of Article III of the Constitution of the State of Texas so as to provide for an increase in the membership of the State Senate from 31 to 39 members; to fix the membership in the House of Representatives at 150 members; to require apportionment of the Senate according to population; and to delete the limitations that no single county is entitled to more than one Senator.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 570, An Act relating to the election of trustees of independent school districts in certain counties; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. J. R. No. 33, A Joint Resolution proposing an Amendment to Section 6, Article XVI, Constitution of the State of Texas, to authorize state participation in programs financed with funds from private or federal sources and conducted by local level or other private, nonsectarian associations, groups, and nonprofit organizations for establishing and equipping facilities for assisting the blind, crippled, or otherwise physically or mentally handicapped in becoming gainfully employed, for their rehabilitation or restoration, or for providing other services essential for the better care and treatment of the handicapped.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 575, An Act to provide an additional adjustment in the local fund assignment in any school district having five per cent (5%) or more of its total scholastic population for the preceding school year composed of stu-

dents who are residents of tax-exempt institutions for orphan, dependent, and neglected children; providing a formula for determining such adjustment; providing for the reporting of certain information to the Central Education Agency; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 498, An Act to amend Section 1 and Subsections (a) and (c) of Section 22, of Chapter 173, page 245, Acts of the 47th Legislature, 1941, as amended, codified as Article 6687b, Vernon's Annotated Civil Statutes, so as to add a definition and to make more certain the legislative intent that the Department shall not have the authority to determine the length of license suspension as set out in said Sections; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 576, An Act amending Section 1b of Chapter 501, Acts of the 57th Legislature, Regular Session, 1961, relating to sale of certain land to the City of Texas City to provide for leasing of the land; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on En-

grossed and Enrolled Bills, to which was referred:

S. B. No. 585, An Act authorizing the Harlingen Trade Zone, Inc., to establish, operate and maintain a foreign trade zone adjacent to Harlingen, Cameron County, Texas, and other sub-zones; authorizing the Harlingen Trade Zone, Inc., to apply to the Foreign Trade Zone Board, Washington, D. C., for a grant to permit the establishment, operation and maintenance of the foreign trade zone and sub-zones in accordance with federal laws and regulations of the Federal Trade Zones Board; authorizing the acceptance of such grant; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 563, An Act permitting certain moneys appropriated to the several Departments and Agencies for classified salaries and wages, to be used for the purpose of granting merit salary increases; establishing controls and reporting procedures to limit such expenditures; limiting the effect of this Act to the biennium ending August 31, 1967; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 568, An Act repealing Chapter 82 Acts of the 40th Legislature, Regular Session, 1927, as amended by Chapter 26, Acts of the 44th Legislature, Regular Session, 1935, and codified as Articles 2815a, 2815b, 2815c, 2815d, 2815e, 2815f, and 2815g, Vernon's Texas Civil Statutes; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 573, An Act relating to hunting, taking, capturing, shooting, killing, and selling collared peccary or javelina in certain portions of Commissioners Precinct No. 1 in Kleberg County, Texas; providing a penalty for a violation of this Act; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 579, An Act relating to the salaries of the official shorthand reporters of the 30th, 78th, and 89th Judicial Districts; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 236, An Act creating the Commission on Law Enforcement Officer Standards and Education; providing for the functions of the Commission; providing for membership thereof and the terms and methods of the appointment of the members; providing that members of the Commission may hold public office in addition to the membership on the Commission; providing for a chairman, vice-chairman and secretary; provid-

ing that members of the Commission shall receive actual and necessary expenses; providing for the authorities, duties and responsibilities of the Commission; providing that the Act is not to affect provisions of Article 1269m, V.C.S.; providing a severability clause; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 524, An Act constituting a local law for the maintenance of public roads and highways in Robertson County by authorizing the county to issue certificates of indebtedness for certain stated purposes; stating terms and conditions of issuance; requiring the levy of a tax to pay such certificates; authorizing the refunding of said certificates; enacting other provisions relating to the subject; containing a severability clause; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 580, An Act appropriating money to the Central Education Agency for each year of the biennium (1965-66, 1966-67) to be used to the extent required to pay salary increases to teachers employed in Texas School for the Deaf, Texas School for the Blind, and Texas Blind and Deaf School in line with authorization and conditions set out in House Bill No. 12, Acts 59th Legislature, Regular Session, 1965, Article IV, Section 2; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on En-grossed and Enrolled Bills, to which was referred:

S. B. No. 537, An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI, Constitution of Texas, to be known as "Crosby Municipal Utility District of Harris County, Texas"; prescribing its rights, powers, privileges, and duties; providing the District shall bear the sole expense of the relocation of certain facilities under the provisions of this Act; providing for its governing body; containing provisions relating to addition and exclusion of land; providing that its bonds are legal and authorized investments; containing other provisions relating to the subject; providing a severability clause; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on En-grossed and Enrolled Bills, to which was referred:

S. B. No. 583, An Act relating to application fees for hairdressers and cosmetologists and for manicurists, and to the disposition of the fees; amending Sections 4(a) and 13, Chapter 116, General Laws, Acts of the 44th Legislature, Regular Session, 1935, as amended; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on En-grossed and Enrolled Bills, to which was referred:

S. B. No. 404, An Act relating to change of boundaries of commissioners precincts and justice of the peace

precincts; authorizing the Commissioners Court to provide that changes ordered by it shall take effect at a future date, and providing for election of precinct officers by the voters of the newly formed precincts before the changes take effect; stating the effect of change in boundaries on tenure of precinct officers; providing for severability; and declaring an imperative public necessity for suspension of the Constitutional Rule on the reading of bills.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on En-grossed and Enrolled Bills, to which was referred:

S. B. No. 370, An Act relating to the definition of "money, property, or other valuable thing" in Penal Statutes; amending Article 630, Penal Code of Texas, 1925; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on En-grossed and Enrolled Bills, to which was referred:

S. B. No. 366, An Act amending Article 405, Penal Code of Texas, 1925, providing for consent for the marriage of a minor child by the father or mother alone in certain cases; providing for the repeal of all laws in conflict; containing a saving clause; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on En-grossed and Enrolled Bills, to which was referred:

S. B. No. 587, An Act relating to the creation, establishment, maintenance and operation of a hospital district in accordance with the provisions of Section 9 of Article IX of the Constitution of the State of Texas, to be known as the Gray County Hospital District with boundaries coextensive with the boundaries of Gray County, Texas; defining its purposes; providing for its administration, operation, financing, taxing powers and liabilities; prescribing procedures; providing for severability; reciting proof of publication of constitutional notice; and declaring an emergency. have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. J. R. No. 4, A Joint Resolution proposing an Amendment to the Constitution of Texas by adding to Section 62 of Article XVI a new subsection (c), of said Section 62; authorizing the Legislature to enact laws establishing, subject to the limitations stated, a State-wide System of Retirement, Disability and Death Compensation benefits for the officers and employees of the counties and other political subdivisions of the state, and of the political subdivisions of any county.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 567, An Act amending Section 2 of Chapter 82, Acts of the 50th Legislature, Regular Session, 1947, as amended by Section 1 of Chapter 174, Acts of the 58th Legislature, Regular Session, 1963 (codified as Article 5344c of Vernon's Texas Civil Statutes), so as to provide for amendment to extend the term of ex-

isting oil, gas, and mineral leases covering certain state lands; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 362, An Act relating to making and drawing of worthless checks with the intent to defraud; amending Subsections 2 and 4(a) of Section 1 of House Bill No. 457, Chapter 268, page 729, Acts of the 58th Legislature, Regular Session, 1963, as amended, being Article 567b, Vernon's Texas Penal Code); repealing all laws in conflict therewith; providing a savings clause; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 293, An Act amending Article 3913, Revised Civil Statutes of Texas, 1925, as amended; authorizing the State Librarian to charge a fee for furnishing copies of documents or records in his office in an amount to be determined by the Library and Historical Commission, with reference to the amount of labor, supplies and materials required; authorizing fees collected by the State Librarian to be retained by the Texas Library and Historical Commission; making other provisions relating thereto; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on En-

grossed and Enrolled Bills, to which was referred:

S. B. No. 493, An Act to amend Subsection B4, Section 5, Chapter 352, Acts of the 50th Legislature, 1947 (compiled as Subsection B4, Section 5, Article 6228a, Vernon's Texas Civil Statutes), as amended, to permit re-employment by the state of retired appointive officers or employees on a limited part-time or consulting basis without loss of benefits under the Employees Retirement System; providing a severability clause; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 555, An Act authorizing and directing the Board for Texas State Hospitals and Special Schools or such agency as may hereafter have control and management of said property to execute and deliver to the City of Galveston an easement to a tract of land in Galveston County for the purpose of installing, constructing, building, maintaining and operating a package type sewage treatment plant on and over land owned by the State of Texas for the use and benefit of the Moody State School for Cerebral Palsied Children; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 221, An Act amending Article 5949 of the Revised Civil Statutes of Texas, 1925, as amended, relating to qualifications for and appointment to the office of Notary Public, establishing eligibility requirements, fees and bond and procedure

relating to such appointments, to provide for the removal of a Notary Public for good cause with right of appeal and trial de novo; authorizing the Secretary of State to make regulations for administration and enforcement; repealing all laws in conflict; providing for severability; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 534, An Act to amend Article 6.04, of Chapter 205, Acts of the 57th Legislature, 1961, and Chapter 451, Acts of the 58th Legislature, Regular Session, 1963, compiled as Article 1302-6.04 in Vernon's Revised Civil Statutes of Texas as a part of the Uniform Stock Transfer Act, to provide that when shares are registered on the books of a corporation in the names of two or more persons as joint owners, with the right of survivorship, the surviving joint owner shall have the power to transfer title to such shares and receive dividends thereon; that no liability shall accrue to any corporation because of such transfer or payment of dividends prior to receipt of actual written notice by an adverse claimant; that such discharge of liability on the part of the corporation shall not affect a cause of action by an adverse claimant against such surviving joint owner; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 167, An Act prohibiting the purchase, attempted purchase, consumption, possession or transportation of alcoholic beverages by minors, with certain exceptions; amend-

ing Subsection (14), Section 17, Article I, Texas Liquor Control Act, as amended; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on En-grossed and Enrolled Bills, to which was referred:

S. B. No. 190, An Act amending Section 1 of Article III of Senate Bill No. 116, Chapter 334, Acts 51st Legislature, 1949, as amended (compiled as Article 2922-13, Section 1, Vernon's Texas Civil Statutes), by adding thereto a new subsection to be designated as (4A), to provide for an annual exceptional children transportation cost allotment to school districts operating approved exceptional children programs determinable on a prescribed per capita pupil basis and/or formula and subject to certain limitations; providing same shall be paid out of the Foundation School Fund as a part of the Foundation School Program; providing for deposit of such allocations to a district's Exceptional Transportation Fund hereby created, accountable and usable only for transportation purposes of certain exceptional children; providing for an effective date of this Act; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on En-grossed and Enrolled Bills, to which was referred:

S. B. No. 166, An Act to recognize HemisFair 1968; to provide state support and participation therein; to provide a permanent structure therein for post-fair use by the State of Texas; appropriating \$4,500,000 for these purposes; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on En-grossed and Enrolled Bills, to which was referred:

S. B. No. 406, An Act to amend Article 1.11 of Chapter 1, Title 122A, Taxation—General, Revised Civil Statutes of Texas, same being Article 1.11 of Section 1 of Chapter 1, Acts 1959, 56th Legislature, Third Called Session (compiled by Vernon as Article 1.11 of said Title 122A, Taxation—General) to make the tax credits therein provided for assignable under certain conditions and to extend the time of their expiration; for repeal of all conflicting laws; for severability; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on En-grossed and Enrolled Bills, to which was referred:

S. B. No. 560, An Act validating Prairie View Municipal District of Waller County, Texas, and declaring it to be a validly existing and operating conservation and reclamation district under Section 59, Article XVI, Texas Constitution; defining its boundaries; validating governmental proceedings and acts; providing that such District shall use the ad valorem plan of taxation; providing that land may be excluded from and added to said District; containing other provisions relating to the subject; providing a severability clause; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on En-grossed and Enrolled Bills, to which was referred:

S. B. No. 59, An Act amending

Chapter III, Article 12; Chapter IV, Article 1; Chapter IV, Article 6, as amended; Chapter V, Article 3; Chapter V, Article 5; Chapter V, Article 6; Chapter V, Article 8; all of said Chapters and Articles being a part of the Texas Banking Code of 1943, same being Chapter 97, Acts of the 48th Legislature, Regular Session, 1943; amending subsection (c) of Section 2, Article 4, as contained in Section 4 of Acts, 58th Legislature, Regular Session, Chapter 81, Page 134, codified as subsection (c) of Section 2, Article 342-504, Vernon's Texas Civil Statutes (a part of Article 4, Chapter V of the Texas Banking Code of 1943, as amended); amending Section 1c, Acts 1955, 54th Legislature, Regular Session, Chapter 16, Page 19, as amended; and transferring the provisions of Acts 1955, 54th Legislature, Regular Session, Chapter 16, Page 19, as amended (now codified as Article 4591d, Vernon's Texas Civil Statutes), making same a part of Chapter IX of the Texas Banking Code of 1943, to be designated as Article 10a thereof; authorizing stock option plans for state banks, with certain restrictions; providing for perpetual or limited corporate existence for state banks; requiring notice to the Commissioner in certain cases where stock of a state bank is transferred, and providing punishment for violations; providing for filling vacancies and adding directors, with certain limitations, on boards of directors of state banks; redefining the right of state banks to engage in trade or commerce; authorizing certain real estate loans, with limitations; authorizing investment in and loans upon security of insured savings accounts issued by certain savings and loan associations; repealing that portion of Chapter V, Article 6 of the Texas Banking Code of 1943 relating to the authority of a state bank to make loans and take as collateral therefor its investment certificates issued simultaneously with the granting of the loans or otherwise; providing the maximum rate of interest that any state bank, national bank, state savings and loan association or federal savings and loan association as defined in this Code, and any other corporation subject to examination or supervision by the Banking Commissioner of Texas may charge for certain types of installment loans, providing for certain limitations and require-

ments in connection with such installment loans and the prepayment thereof, and redefining charges which banks may make in connection with loans, prohibiting charges and fees other than those authorized; providing that when certain designated bank holidays fall on Sunday, then the Monday next following such Sunday shall be a legal holiday for banking purposes on which each bank and trust company in Texas shall remain closed; providing for severability; providing that all laws or parts of laws which are in conflict with this Act are repealed or modified to the extent of such conflict only; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 29, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 107, An Act establishing and adopting a Code of Criminal Procedure for the State of Texas by revising the statutes of this State which pertain to the trial of criminal cases, and by making various changes in, omissions from, and additions to such statutes; and declaring an emergency. have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Sent to Governor

May 29, 1965

S. C. R. No. 120
S. C. R. No. 84
S. C. R. No. 95
S. C. R. No. 109
S. C. R. No. 111
S. C. R. No. 115
S. C. R. No. 122
S. C. R. No. 123
S. C. R. No. 127
S. C. R. No. 125
S. C. R. No. 128
S. C. R. No. 126
S. C. R. No. 129
S. C. R. No. 131
S. B. No. 58
S. J. R. No. 19

In Memory of **E. H. Banks**

Senator Parkhouse offered the following resolution:

(Senate Resolution 815)

Whereas, The State of Texas lost a highly respected and beloved citizen when E. H. Banks of Austin died on December 10, 1963 at the age of 74; and

Whereas, Mr. Banks was a native of Waco and went to work at an early age to help support his family, due to the premature death of his father; and

Whereas, He served the State of Texas honorably and well for many years as an employee of the Senate, as Deputy Labor Commissioner, and as Farm Placement Supervisor for the Texas Employment Commission, prior to his retirement in 1957; and

Whereas, Mr. Banks was long active in the Methodist Church, teaching a Sunday School class for many years at St. Luke's Methodist Church in Austin, and was a member of Waco Masonic Lodge Number 92; and

Whereas, Mr. and Mrs. Banks celebrated their Golden Wedding Anniversary two years before his death and he was a dedicated, devoted family man; and

Whereas, His survivors include Mrs. Banks and two sons, William H. Banks and Jimmy Banks, both of Austin; and three daughters, Mrs. H. D. Finley, Jr., of Dallas, Mrs. E. L. Elmore of Roanoke, Virginia, and Mrs. John M. Brennan of Houston; now, therefore, be it

Resolved by the Senate of the State of Texas, That a page be set aside in the Senate Journal in memory of Mr. E. H. Banks, and that copies of this resolution be sent to his family and that when the Senate adjourns today it do so in his memory.

PARKHOUSE

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Blanchard, Calhoun, Cole, Colson, Creighton, Crump, Dies, Hall, Hardeman, Harrington, Hazlewood, Herring, Hightower, Kazen, Kennard, Krueger, Moore, Patman, Ratliff, Reagan, Richter, Rogers, Schwartz, Snelson, Spears, Strong, Watson, Word.

The resolution was read.

On motion of Senator Aikin and by unanimous consent the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was then unanimously adopted by a rising vote of the Senate.